

## CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 268

**Citations Affected:** IC 2-5-19-19; IC 3; IC 5-26.5-2-5; IC 9-24-2.5; IC 11-8-2-5; IC 12-28-1-12; IC 16-19-3-19.

**Synopsis:** Election law changes. Proposed conference committee report for ESB 268. Makes numerous changes in Indiana election law in response to the Help America Vote Act of 2002 (HAVA). The changes affect the following: (1) Election administration structure and procedures. (2) Voter registration procedures, including establishment of a statewide voter registration file. (3) Acquisition, accessibility, and operation of new voting systems. (4) Voter identification. (5) Provisional ballots. Directs state officials to make certain applications and certifications required by HAVA. Repeals obsolete statutes relating to the statewide voter registration file and the voting systems improvement fund and the voting systems education fund. **(This conference committee report inserts the content of the bill as it passed the Senate with the following changes: (1) Provides that the secretary of state's duties under HAVA are subject to the consent of the co-directors of the election division. (2) Removes several specifications for the statewide voter registration list. (3) Removes changes relating to maintaining voter registration lists. (4) Removes provisions relating to certificates of error. (5) Removes provisions relating to recording signing certain election petitions. (6) Changes the application process for counties to apply for reimbursement of expenses for purchasing voting systems. (7) Removes provisions for partial reimbursement of counties that purchased new voting systems before 1998. (8) Removes provisions for the state to purchase voting systems on behalf of counties. (9) Removes provisions for a voter to confirm the voter's identification number. (10) Removes a provision relating to challengers enacted by SEA 136-2003. (11) Reconciles the bill with other bills that have passed during the 2003 session and makes other technical changes.)**

**Effective:** Upon passage; April 1, 2003 (retroactive); July 1, 2003; January 1, 2004.

# CONFERENCE COMMITTEE REPORT

**MR. PRESIDENT:**

*Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 268 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 elections.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 2-5-19-19 IS AMENDED TO READ AS FOLLOWS
- 6 [EFFECTIVE UPON PASSAGE]: Sec. 19. The committee shall do the
- 7 following:
- 8 (1) Advise and assist the Bureau of the Census in the preparation
- 9 and organization of decennial census data for use by the general
- 10 assembly in reapportioning the following:
- 11 (A) The house of representatives of the general assembly.
- 12 (B) The senate of the general assembly.
- 13 (C) The United States House of Representatives.
- 14 (2) Work with the Bureau of the Census in defining the boundaries
- 15 of census blocks in Indiana.
- 16 (3) Coordinate Indiana's efforts to obtain an accurate population
- 17 count in each decennial census.
- 18 (4) Work with other state and federal agencies to assist in the local
- 19 review program conducted in Indiana.
- 20 (5) Work with the code revision commission to prepare legislation
- 21 for introduction in the regular session of the general assembly that
- 22 meets during the year of the effective date of the decennial census

under IC 1-1-3.5 to propose amendments to Indiana law to reflect the population information obtained as a result of the decennial census.

(6) Study costs and other relevant aspects of acquisition by the state of a geographic information system.

(7) Make recommendations concerning changes or amendments to IC 3 (the elections code) to the general assembly, **including legislation for the implementation and administration of the Help America Vote Act of 2002 (42 U.S.C. 15301 through 15545).**

SECTION 2. IC 3-5-2-26.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 26.2. "HAVA" refers to the Help America Vote Act of 2002 (42 U.S.C. 15301 through 15545).**

SECTION 3. IC 3-5-2-53 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 53. "Voting system" means **the following:**

**(1) Before January 1, 2006,** a combination of mechanical, electromechanical, or electronic equipment that is used to cast and count votes. The term includes the software and firmware required to program and to control the equipment. Equipment that is not an integral part of a voting system but that can be used as an adjunct to the system is considered to be a component of the system.

**(2) After December 31, 2005, as provided in 42 U.S.C. 15481:**  
**(A) the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support that equipment) that is used:**

**(i) to define ballots;**

**(ii) to cast and count votes;**

**(iii) to report or display election results; and**

**(iv) to maintain and produce any audit trail information; and**

**(B) the practices and associated documentation used:**

**(i) to identify system components and versions of those components;**

**(ii) to test the system during its development and maintenance;**

**(iii) to maintain records of system errors and defects;**

**(iv) to determine specific system changes to be made to a system after the initial qualification of the system; and**

**(v) to make available any materials to the voter (such as notices, instructions, forms, or paper ballots).**

SECTION 4. IC 3-5-4-7, AS AMENDED BY P.L.122-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. Except as otherwise provided in this title, a reference to a federal statute or regulation in this title is a reference to the statute or regulation as in effect January 1, ~~2000~~ **2003**.

SECTION 5. IC 3-5-8-2, AS ADDED BY P.L.126-2002, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. **(a)** The statement required by section 1 of this chapter

1 must contain the following:

- 2 (1) A statement of the qualifications that an individual must meet
- 3 to vote in Indiana, including qualifications relating to registration.
- 4 (2) A statement describing the circumstances that permit a voter
- 5 who has moved from the precinct where the voter is registered to
- 6 return to that precinct to vote.
- 7 (3) A statement that an individual who meets the qualifications and
- 8 circumstances listed in subdivisions (1) and (2) may vote in the
- 9 election.
- 10 (4) A statement describing how a voter who is challenged at the
- 11 polls may be permitted to vote.
- 12 (5) **The date of the election and the hours during which the**
- 13 **polls will be open, as required by 42 U.S.C. 15482.**
- 14 (6) **Instructions on how to vote, including how to cast a vote**
- 15 **and how to cast a provisional ballot, as required by 42 U.S.C.**
- 16 **15482.**
- 17 (7) **Instructions for mail-in registrants and first time voters**
- 18 **under IC 3-7-33-4.5 and 42 U.S.C. 15483, as required under 42**
- 19 **U.S.C. 15482.**
- 20 (8) **General information on voting rights under applicable**
- 21 **federal and state laws, including the right of an individual to**
- 22 **cast a provisional ballot and instructions on how to contact the**
- 23 **appropriate officials if these rights are alleged to have been**
- 24 **violated, as required under 42 U.S.C. 15482.**
- 25 (9) **General information on federal and state laws regarding**
- 26 **prohibitions on acts of fraud and misrepresentation, as**
- 27 **required under 42 U.S.C. 15482.**
- 28 (10) A statement informing the voter what assistance is available
- 29 to assist the voter at the polls.
- 30 ~~(6)~~ (11) A statement informing the voter what circumstances will
- 31 spoil the voter's ballot and the procedures available for the voter to
- 32 request a new ballot.
- 33 ~~(7)~~ (12) A statement describing which voters will be permitted to
- 34 vote at the closing of the polls.
- 35 ~~(8)~~ (13) Other information that the commission considers
- 36 important for a voter to know.

37 **(b) The voter's bill of rights is not required to contain the**  
 38 **information described in subsection (a)(5), (a)(6), (a)(7), (a)(8), and**  
 39 **(a)(9) before January 1, 2004.**

40 SECTION 6. IC 3-5-8-3, AS ADDED BY P.L.126-2002, SECTION  
 41 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 42 2003]: Sec. 3. **(a) As required by 42 U.S.C. 15483, and after**  
 43 **December 31, 2003, the precinct election board shall post the**  
 44 **voter's bill of rights in a public place in each polling place on**  
 45 **election day.**

46 **(b)** The commission may require a copy of the voter's bill of rights to  
 47 be distributed with voter registration materials or other materials that  
 48 are given to voters.

49 SECTION 7. IC 3-6-3.7 IS ADDED TO THE INDIANA CODE AS  
 50 A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY  
 51 1, 2003]:

**Chapter 3.7. The Secretary of State**

**Sec. 1. Except as provided by IC 3-7-11-1, the secretary of state is the state's chief election official.**

**Sec. 2. In addition to performing the duties related to elections specified in this title, the secretary of state, with the consent of the co-directors of the election division shall do the following:**

**(1) Work with the federal Election Assistance Commission to encourage students enrolled at institutions of higher education (including community colleges) to assist state and local governments in the administration of elections by serving as nonpartisan poll workers or assistants.**

**(2) Consult with the federal Election Assistance Commission in the development of materials, seminars, and advertising targeted at students to implement the Help America Vote College Program conducted by the Election Assistance Commission under 42 U.S.C. 15521.**

**(3) Consult with the Help America Vote Foundation established under 36 U.S.C. 1526 in developing programs to encourage secondary school students (including students educated in the home) to participate in the election process in a nonpartisan manner as poll workers or assistants to local election officials in precinct polling places.**

**(4) Consult and coordinate with (and provide administrative support to) the co-directors of the election division in the development and implementation of the state plan under HAVA (42 U.S.C. 15401 through 15406).**

**(5) Perform all duties required to be performed by the state or the chief state election official under HAVA.**

**Sec. 3. The secretary of state may develop programs to encourage Indiana secondary school students and students in institutions of higher education in Indiana to assist state and local governments in the administration of elections.**

**SECTION 8. IC 3-6-4.2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. The election division shall assist the secretary of state in the implementation of HAVA.**

**SECTION 9. IC 3-6-4.2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. The election division shall do the following:**

**(1) Prepare and distribute paper ballots for the election or retention of persons to federal and state offices and for public questions in compliance with this title.**

**(2) Maintain complete and uniform descriptions and maps of all precincts in Indiana.**

**(3) Promptly update the information required by subdivision (2) after each precinct establishment order is filed with the commission under IC 3-11-1.5.**

**(4) Issue media watcher cards under IC 3-6-10-6.**

**(5) Prepare and transfer to the department of state revenue voter registration affidavits for inclusion in state adjusted gross income tax booklets under IC 6-8.1-3-19.**

(6) After December 31, 2003, serve in accordance with 42 U.S.C. 1973ff-1(b) as the office in Indiana responsible for providing information regarding voter registration procedures and absentee ballot procedures to absent uniformed services voters and overseas voters.

(7) As required by 42 U.S.C. 1973ff-1(c), submit a report to the federal Election Assistance Commission not later than ninety (90) days after each general election setting forth the combined number of absentee ballots:

(A) transmitted to absent uniformed services voters and overseas voters for the election; and

(B) returned by absent uniformed services voters and overseas voters and cast in the election.

(8) Implement the state plan in accordance with the requirements of HAVA (42 U.S.C. 15401 through 15406) and this title, and appoint members of the committee established under 42 U.S.C. 15405.

(9) Submit reports required under 42 U.S.C. 15408 to the federal Election Assistance Commission concerning the use of federal funds under Title II, Subtitle D, Part I of HAVA.

SECTION 10. IC 3-6-4.2-12.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.1. (a) This section applies to the development, implementation, and amendment of the state plan under HAVA (42 U.S.C. 15401 through 15406).

(b) An individual appointed by the co-directors to serve on the committee established to develop the state plan to implement HAVA under 42 U.S.C. 15405 is entitled to receive the compensation or reimbursement provided under subsection (d) or (e).

(c) For purposes of subsection (d), an individual who holds:

(1) a state office is considered an employee of the state; or

(2) an office of a political subdivision is considered an employee of the political subdivision.

(d) Each member of the committee who is not a state employee or an employee of a political subdivision is entitled to receive both of the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(e) Each member of the committee who is a state employee or an employee of a political subdivision is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(f) The committee's expenses, including the payment of per diem

1 and reimbursements under this section, shall be paid from the  
 2 Section 101 account of the election administration assistance fund  
 3 established under IC 3-11-6.5.

4 SECTION 11. IC 3-6-4.2-12.5 IS ADDED TO THE INDIANA  
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 6 [EFFECTIVE UPON PASSAGE]: Sec. 12.5. (a) As authorized under  
 7 42 U.S.C. 15421, the secretary of state with the consent of the  
 8 co-directors of the election division shall apply to the Secretary of  
 9 Health and Human Services for payments under the HAVA (42  
 10 U.S.C. 15421 through 15425) to do the following:

11 (1) Make polling places (including the path of travel, entrances,  
 12 exits, and voting areas of each polling place) more accessible to  
 13 individuals with disabilities, including the blind and visually  
 14 impaired, in a manner that provides the same opportunity for  
 15 access and participation (including privacy and independence)  
 16 as other voters.

17 (2) Provide individuals with disabilities and other individuals  
 18 described in subdivision (1) with information about the  
 19 accessibility of polling places, including outreach programs to  
 20 inform the individuals about the availability of accessible  
 21 polling places and training election officials, poll workers, and  
 22 election volunteers on how best to promote the access and  
 23 participation of individuals with disabilities in elections.

24 (b) If the secretary of state receives payments from the Secretary  
 25 of Health and Human Services under 42 U.S.C. 15421 through  
 26 15425, the election division shall expend the money as described in  
 27 the application submitted under 42 U.S.C. 15423.

28 SECTION 12. IC 3-6-4.2-14, AS AMENDED BY P.L.26-2000,  
 29 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2003]: Sec. 14. (a) Each year in which a general or municipal  
 31 election is held, the election division shall call a meeting of all the  
 32 members of the county election boards and the boards of registration  
 33 to instruct them as to their duties under this title **and federal law**  
 34 **(including HAVA and NVRA)**. The election division may, but is not  
 35 required to, call a meeting under this section during a year in which a  
 36 general or a municipal election is not held.

37 (b) Each circuit court clerk shall attend a meeting called by the  
 38 election division under this section.

39 (c) The co-directors of the election division shall set the time and  
 40 place of the instructional meeting. In years in which a primary election  
 41 is held, the election division:

- 42 (1) may conduct the meeting before the first day of the year; and
- 43 (2) shall conduct the meeting before primary election day.

44 The instructional meeting may not last for more than two (2) days.

45 (d) Each member of a county election board or board of registration  
 46 **and an individual who has been elected or selected to serve as**  
 47 **circuit court clerk but has not yet begun serving in that office** is  
 48 entitled to receive all of the following:

- 49 (1) A per diem of twenty-four dollars (\$24) for attending the
- 50 instructional meeting called by the election division under this
- 51 section.

(2) A mileage allowance at the state rate for the distance necessarily traveled in going and returning from the place of the instructional meeting called by the election division under this section.

(3) Reimbursement for the payment of the instructional meeting registration fee from the county general fund without appropriation.

(4) An allowance for lodging for each night preceding conference attendance equal to the lodging allowance provided to state employees in travel status.

SECTION 13. IC 3-6-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

**Chapter 4.5. Administrative Complaints Concerning Uniform and Nondiscriminatory Election Technology and Administrative Requirements Under Title III of the Help America Vote Act of 2002**

**Sec. 1. This chapter applies after December 31, 2003.**

**Sec. 2. As used in this chapter, "Title III" refers to Title III of HAVA (42 U.S.C. 15481 through 15485).**

**Sec. 3. As required by 42 U.S.C. 15512, this chapter establishes the state based administrative complaint procedures to remedy grievances concerning uniform and nondiscriminatory election technology and administrative requirements under Title III.**

**Sec. 4. The remedies provided under this chapter are supplemental to any other remedies provided to an aggrieved party under this title.**

**Sec. 5. As required by 42 U.S.C. 15512, the procedures prescribed by this chapter must be uniform and nondiscriminatory.**

**Sec. 6. As provided by 42 U.S.C. 15512, a person who believes there is a violation of any provision of Title III, including a violation that has occurred, is occurring, or is about to occur, may file a complaint with the election division.**

**Sec. 7. As required by 42 U.S.C. 15512, a complaint filed under this chapter must be written, signed, and sworn to before an individual authorized to administer an oath under IC 33-16-4.**

**Sec. 8. The complaint filed under section 7 of this chapter must state the following:**

**(1) The name and mailing address of the person alleged to be committing the violation of Title III described in the complaint.**

**(2) Whether the person filing the complaint has filed a complaint concerning the violation with a county election board under IC 3-6-5.1.**

**(3) The nature of the injury suffered (or about to be suffered) by the person filing the complaint.**

**Sec. 9. The election division shall promptly provide a copy of the complaint by first class mail to the members of the commission and the persons identified in the complaint.**

**Sec. 10. A person entitled to file a complaint under this chapter may file a complaint with the county election board where the**



1 violation allegedly occurred under IC 3-6-5.1. If a person filed a  
 2 complaint under IC 3-6-5.1, the election division shall not begin  
 3 enforcement procedures under this chapter regarding the  
 4 complaint until the person filing the complaint files a complaint  
 5 with the election division under this chapter.

6 Sec. 11. This section applies if the complaint alleges that either  
 7 co-director of the election division has committed the violation. The  
 8 aggrieved person shall file the complaint with the chair of the  
 9 commission. The chair of the commission shall perform the duties  
 10 otherwise performed by the election division concerning a  
 11 complaint.

12 Sec. 12. As permitted under 42 U.S.C. 15512, the election division  
 13 (or commission) may consolidate complaints filed under this  
 14 chapter.

15 Sec. 13. The election division shall determine whether a  
 16 complaint filed under this chapter describes a violation of Title III  
 17 if the facts set forth in the complaint are assumed to be true. If the  
 18 election division determines that:

- 19 (1) even if the facts set forth in the complaint are assumed to be  
 20 true, there is no violation of Title III; or
- 21 (2) the person has not complied with section 7 of this chapter;  
 22 the election division shall dismiss the complaint and publish the  
 23 order dismissing the matter in the Indiana Register.

24 Sec. 14. If the election division dismisses a complaint under  
 25 section 13 of this chapter, the election division shall provide a copy  
 26 of this determination by certified mail to:

- 27 (1) the person who filed the notice;
- 28 (2) the person alleged to have committed the violation;
- 29 (3) the members of the commission; and
- 30 (4) the attorney general.

31 Sec. 15. If the election division determines that the complaint  
 32 alleges a violation of Title III if the facts alleged in the complaint  
 33 are assumed to be true and that the person has complied with  
 34 section 7 of this chapter, the election division shall conduct an  
 35 investigation under IC 3-6-4.2.

36 Sec. 16. The election division, upon completing the investigation,  
 37 shall submit the results of the investigation to the commission,  
 38 which shall then issue a written report. The election division shall  
 39 provide a copy of the report by certified mail to:

- 40 (1) the person who filed the complaint;
- 41 (2) the person alleged to have committed the violation;
- 42 (3) the members of the commission; and
- 43 (4) the attorney general.

44 Sec. 17. The report described in section 16 of this chapter must:

- 45 (1) indicate the date when the complaint alleging the violation  
 46 was received by the election division;
- 47 (2) contain findings of fact regarding the alleged violation and  
 48 state whether a violation of Title III has occurred, or appeared  
 49 to be likely to occur when the complaint was filed;
- 50 (3) state what steps, if any, the person alleged to have  
 51 committed the violation has taken to correct the violation or to

1 prevent a reoccurrence of the violation;

2 (4) suggest any additional measures that could be taken to  
3 correct a violation;

4 (5) indicate the date when a violation was corrected or is  
5 expected to be corrected; and

6 (6) provide any additional information or recommendations  
7 useful in resolving this complaint.

8 Sec. 18. As required by 42 U.S.C. 15512, at the request of the  
9 person filing a complaint, or at the request of a member of the  
10 commission, the commission shall conduct a hearing on the  
11 complaint and prepare a record of the hearing. A request for a  
12 hearing must be filed with the election division not later than noon  
13 seven (7) days after the report is mailed under section 16 of this  
14 chapter.

15 Sec. 19. After concluding the hearing, the commission shall:

16 (1) affirm the report;

17 (2) amend the report; or

18 (3) refer the matter to the election division for further  
19 investigation and submission of a subsequent report to the  
20 commission.

21 Sec. 20. As required by 42 U.S.C. 15512, if the commission  
22 determines that based on the evidence presented, there is no  
23 violation of any provision of Title III or that the person has not  
24 complied with section 7 of this chapter, the commission shall  
25 dismiss the complaint and publish the order dismissing the matter  
26 in the Indiana Register.

27 Sec. 21. As authorized by 42 U.S.C. 15512, if the commission  
28 determines that there is a violation of any provision of Title III, the  
29 commission shall determine and provide the appropriate remedy  
30 if authorized by law to do so. If providing the remedy would  
31 require additional or amended Indiana legislation, the commission  
32 shall notify the census data advisory committee and provide  
33 recommendations regarding the form and content of this  
34 legislation.

35 Sec. 22. The secretary of state may file a civil action seeking  
36 declaratory or injunctive relief to secure or implement a remedy  
37 determined by the commission to be appropriate under section 21  
38 of this chapter.

39 Sec. 23. The commission shall forward a written summary of any  
40 action taken by the commission under section 20 or 21 of this  
41 chapter by certified mail to:

42 (1) the person who filed the complaint;

43 (2) the person alleged to have committed the violation; and

44 (3) the attorney general.

45 Sec. 24. As required by 42 U.S.C. 15512, the commission shall  
46 make the final determination regarding the complaint not later  
47 than ninety (90) days after the date the complaint is filed. The  
48 person filing the complaint may file a written consent permitting  
49 the commission to take a longer period to make the final  
50 determination regarding the complaint.

51 Sec. 25. As required by 42 U.S.C. 15512, if the commission fails

1 to make the final determination regarding the complaint within the  
 2 period applicable to the complaint under section 24 of this chapter,  
 3 the complaint shall be resolved not later than sixty (60) days after  
 4 the deadline applicable to the complaint under section 24 of this  
 5 chapter.

6 Sec. 26. A complaint described by section 25 of this chapter shall  
 7 be resolved by referral to an arbitrator selected jointly by the  
 8 commission and the person who filed the complaint.

9 Sec. 27. As provided by 42 U.S.C. 15512, the record and other  
 10 materials from any proceedings conducted by the commission shall  
 11 be made available for use by the arbitrator.

12 Sec. 28. The arbitrator shall file a report with the election  
 13 division setting forth the resolution of the complaint. The report  
 14 must specify the following:

15 (1) Whether a violation of Title III has occurred or was about  
 16 to occur when the complaint was filed.

17 (2) The appropriate remedy to correct any violation.

18 (3) Whether providing the remedy would require additional or  
 19 amended Indiana legislation or a civil action for declaratory or  
 20 injunctive relief.

21 (4) Any other information and recommendations necessary to  
 22 fully provide any appropriate relief under this chapter.

23 SECTION 14. IC 3-6-5-17, AS AMENDED BY P.L.212-2001,  
 24 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2003]: Sec. 17. (a) Each county election board shall submit a  
 26 report to the election division after each primary, special, municipal,  
 27 and general election describing the activities of the board during the  
 28 previous year. The board shall include the following in the report:

29 (1) Information relating to the expenses of office maintenance and  
 30 elections within the county or political subdivisions within the  
 31 county.

32 (2) A copy of the statement of the county election board containing  
 33 the votes cast for each candidate and on each public question in  
 34 each precinct at the last election preceding the submission of the  
 35 report.

36 (3) Any additional information relating to elections that the  
 37 commission prescribes.

38 (b) The report described in subsection (a) must be postmarked, ~~or~~  
 39 hand delivered, **or transmitted** to the election division **using the**  
 40 **computerized list under IC 3-7-26.3** not later than fourteen (14) days  
 41 after each election.

42 (c) The election division shall send a copy of each report to the office  
 43 not later than ten (10) days after receiving the report.

44 SECTION 15. IC 3-6-5-17.5 IS ADDED TO THE INDIANA CODE  
 45 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 46 1, 2003]: Sec. 17.5. (a) **As required by 42 U.S.C. 1973ff-1(c), each**  
 47 **county election board shall submit a report to the election division**  
 48 **after each general election setting forth the combined number of**  
 49 **absentee ballots:**

50 (1) **transmitted by the county election board to absent**  
 51 **uniformed services voters and overseas voters for the election;**

1 and

2 (2) returned by absent uniformed services voters and overseas  
3 voters and cast in the election.

4 (b) The report must be:

5 (1) postmarked or hand delivered to the election division not  
6 later than fourteen (14) days after the election; and

7 (2) in the form prescribed by the federal Election Assistance  
8 Commission under Section 703(b) of HAVA (42 U.S.C. 1973ff-1  
9 (note)).

10 SECTION 16. IC 3-6-5-23 IS AMENDED TO READ AS FOLLOWS  
11 [EFFECTIVE JULY 1, 2003]: Sec. 23. (a) A county election board may  
12 appoint and at its pleasure remove clerks, custodians, and other  
13 employees that are necessary in the execution of its powers. The county  
14 election board may determine the duties, rank, and salaries of its  
15 appointees.

16 (b) The county election board may employ students enrolled at  
17 institutions of higher education (including community colleges) to  
18 assist in the administration of elections by serving as nonpartisan  
19 assistants, in accordance with the requirements of the Help  
20 America Vote College Program conducted by the Election  
21 Assistance Commission under 42 U.S.C. 15521.

22 SECTION 17. IC 3-6-5.1 IS ADDED TO THE INDIANA CODE AS  
23 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
24 1, 2003]:

25 **Chapter 5.1. County Procedures for Resolving Administrative**  
26 **Complaints Concerning Uniform and Nondiscriminatory Election**  
27 **Technology and Administrative Requirements Under Title III of**  
28 **the Help America Vote Act of 2002**

29 **Sec. 1. This chapter applies after December 31, 2003.**

30 **Sec. 2. As used in this chapter, "Title III" refers to Title III of**  
31 **HAVA (42 U.S.C. 15481 through 15485).**

32 **Sec. 3. This chapter establishes a county based administrative**  
33 **complaint procedure to supplement the state based administrative**  
34 **complaint procedure under IC 3-6-4.5 to remedy grievances**  
35 **concerning uniform and nondiscriminatory election technology**  
36 **and administrative requirements under Title III. A person who**  
37 **files a complaint under this chapter retains the right to file a**  
38 **complaint with the election division under IC 3-6-4.5.**

39 **Sec. 4. The remedies provided under this chapter are**  
40 **supplemental to any other remedies provided to an aggrieved party**  
41 **under this title.**

42 **Sec. 5. The procedures prescribed by this chapter must be**  
43 **uniform and nondiscriminatory.**

44 **Sec. 6. A person who believes there is a violation of any provision**  
45 **of Title III, including a violation that has occurred, is occurring, or**  
46 **is about to occur, may file a complaint with the circuit court clerk**  
47 **of the county where the violation occurred, is occurring, or is about**  
48 **to occur.**

49 **Sec. 7. A complaint filed under this chapter must be written,**  
50 **signed, and sworn to before an individual authorized to administer**  
51 **an oath under IC 33-16-4.**

1       **Sec. 8. The complaint filed under section 6 of this chapter must**  
 2       **state the following:**

3       (1) The name and mailing address of the person alleged to be  
 4       committing the violation of Title III described in the complaint.

5       (2) Whether the person filing the complaint has filed a  
 6       complaint concerning the violation with the election division  
 7       under IC 3-6-4.5.

8       (3) The nature of the injury suffered (or about to be suffered)  
 9       by the person filing the complaint.

10       **Sec. 9. The circuit court clerk shall promptly provide a copy of**  
 11       **the complaint by first class mail to the members of the county**  
 12       **election board and the persons identified in the complaint.**

13       **Sec. 10. If the county election board is notified at any time that**  
 14       **the person who filed a complaint under this chapter has filed a**  
 15       **complaint with the election division under IC 3-6-4.5 regarding this**  
 16       **matter, the county election board shall dismiss the proceeding**  
 17       **under this chapter.**

18       **Sec. 11. This section applies if the complaint alleges that the**  
 19       **circuit court clerk has committed the violation. The aggrieved**  
 20       **person shall file the complaint with the chair of the county election**  
 21       **board. The chair shall perform the duties otherwise performed by**  
 22       **the circuit court clerk concerning a complaint.**

23       **Sec. 12. The county election board may consolidate complaints**  
 24       **filed under this chapter.**

25       **Sec. 13. The circuit court clerk shall determine whether a**  
 26       **complaint filed under this chapter describes a violation of Title III**  
 27       **if the facts set forth in the complaint are assumed to be true. The**  
 28       **circuit court clerk may consult with the election division in making**  
 29       **this determination. If the circuit court clerk determines that:**

30       (1) even if the facts set forth in the complaint are assumed to be  
 31       true, there is no violation of Title III; or

32       (2) that the person has not complied with section 7 of this  
 33       chapter;

34       the circuit court clerk shall dismiss the complaint and publish  
 35       notice of the order dismissing the matter in accordance with  
 36       IC 5-3-1.

37       **Sec. 14. If the circuit court clerk dismisses a complaint under**  
 38       **section 13 of this chapter, the circuit court clerk shall provide a**  
 39       **copy of this determination by certified mail to:**

40       (1) the person who filed the notice;

41       (2) the person alleged to have committed the violation;

42       (3) the members of the county election board; and

43       (4) the election division.

44       **Sec. 15. If the circuit court clerk determines that the complaint**  
 45       **alleges a violation of Title III if the facts alleged in the complaint**  
 46       **are assumed to be true and that the person has complied with**  
 47       **section 7 of this chapter, the circuit court clerk shall conduct an**  
 48       **investigation under IC 3-6-5.**

49       **Sec. 16. The circuit court clerk, upon completing the**  
 50       **investigation, shall submit the results of the investigation to the**  
 51       **county election board, which shall then issue a written report. The**

1 circuit court clerk shall provide a copy of the report by certified  
2 mail to:

- 3 (1) the person who filed the complaint;
- 4 (2) the person alleged to have committed the violation;
- 5 (3) the members of the county election board; and
- 6 (4) the election division.

7 Sec. 17. The report described in section 16 of this chapter must:

- 8 (1) indicate the date when the complaint alleging the violation
- 9 was received by the county election board;
- 10 (2) contain findings of fact regarding the alleged violation and
- 11 state whether a violation of Title III has occurred or appeared
- 12 to be likely to occur when the complaint was filed;
- 13 (3) state what steps, if any, the person alleged to have
- 14 committed the violation has taken to correct the violation or to
- 15 prevent a reoccurrence of the violation;
- 16 (4) suggest any additional measures that could be taken to
- 17 correct a violation;
- 18 (5) indicate the date when a violation was corrected or is
- 19 expected to be corrected; and
- 20 (6) provide any additional information or recommendations
- 21 useful in resolving this complaint.

22 Sec. 18. At the request of the person filing a complaint, or at the  
23 request of a member of the county election board, the board shall  
24 conduct a hearing on the complaint and prepare a record of the  
25 hearing. This request must be filed not later than noon seven (7)  
26 days after the report was mailed under section 16 of this chapter.

27 Sec. 19. After concluding the hearing, the county election board  
28 shall:

- 29 (1) affirm the report;
- 30 (2) amend the report;
- 31 (3) refer the matter to the circuit court clerk for further
- 32 investigation and submission of a subsequent report to the
- 33 county election board; or
- 34 (4) refer the matter to the election division.

35 Sec. 20. If the county election board determines that based on the  
36 evidence presented, there is no violation of any provision of Title  
37 III or that the person has not complied with section 7 of this  
38 chapter, the county election board shall dismiss the complaint and  
39 publish notice of the order dismissing the matter in accordance  
40 with IC 5-3-1.

41 Sec. 21. If the county election board determines that there is a  
42 violation of any provision of Title III, the county election board  
43 shall determine and provide the appropriate remedy if authorized  
44 by law to do so. If the county election board determines that it is  
45 not authorized by law to provide the appropriate remedy, the  
46 county election board shall dismiss the complaint.

47 Sec. 22. The county election board shall forward a written  
48 summary of any action taken by the commission under section 20  
49 or 21 of this chapter by certified mail to:

- 50 (1) the person who filed the complaint;
- 51 (2) the person alleged to have committed the violation; and

**(3) the election division.**

SECTION 18. IC 3-6-6-13, AS AMENDED BY P.L.126-2002, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. (a) A county election board shall fill a vacancy in a precinct election office before the hour set for the opening of the polls, upon the nomination of the appropriate county chairman.

(b) This subsection applies to a precinct election office when, at noon, fourteen (14) days before election day, the appropriate county chairman has made no nomination for the office. The county election board, by unanimous vote of the entire membership of the board, may fill the office by appointing an individual who would be eligible to serve in the office if nominated by the county chairman.

**(c) If a vacancy is filled by the county election board under subsection (b), the board may, by unanimous vote of the entire membership of the board, fill the office by appointing a student:**

**(1) enrolled at an institution of higher education (including a community college); and**

**(2) who is a registered voter of the county; to serve as a nonpartisan precinct election officer.**

SECTION 19. IC 3-6-6-39, AS ADDED BY P.L.126-2002, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 39. (a) The county election board **by unanimous vote of the entire membership of the board** may permit an individual who is not a voter to ~~be a poll clerk or an election sheriff~~ **serve as any precinct election officer (other than inspector), or to assist a precinct election officer**, if the individual satisfies all the following:

(1) The individual is at least sixteen (16) years of age but not more than seventeen (17) years of age.

(2) The individual is a citizen of the United States.

(3) The individual is a resident of the county.

(4) The individual has a cumulative grade point average equivalent to not less than 3.0 on a 4.0 scale.

(5) The individual has the written approval of the principal of the school the individual attends at the time of the appointment **or, if the student is educated in the home, the approval of the individual responsible for the education of the student.**

(6) The individual has the approval of the individual's parent or legal guardian.

(7) The individual has satisfactorily completed any training required by the county election board.

(8) The individual otherwise is eligible to serve as a precinct election officer under this chapter.

**(b) After January 1, 2004, an individual appointed to a precinct election office or assistant under this section must serve in a nonpartisan manner in accordance with the standards developed by the Help America Vote Foundation under 36 U.S.C. 152602.**

SECTION 20. IC 3-7-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. The NVRA official shall do the following:

(1) Coordinate with the commission to oversee the implementation and administration of NVRA by the state, county, municipal, and

nongovernmental offices designated as registration sites under this article.

(2) Develop training programs to assist the offices described in subdivision (1) in properly administering registration services.

(3) Protect the fundamental rights of voters.

(4) Consult with the federal Election **Assistance** Commission under 42 U.S.C. 1973gg-7 to develop a federal mail registration form.

(5) Comply with 42 U.S.C. 1973gg-4(b) by making federal and state mail registration forms available for distribution through governmental and private entities, with particular emphasis on making the forms available for organized voter registration programs.

(6) Comply with 42 U.S.C. 1973gg-6(g) by notifying a county registration officer whenever the NVRA official receives information from a United States attorney that:

(A) a person has been convicted of a felony in a district court of the United States; or

(B) the conviction has been overturned.

(7) Receive notices from voter registration agencies in other states indicating that a person has registered in that state and requests that the person's registration in Indiana be canceled.

(8) Forward notices received under subdivision (7) to the appropriate circuit court clerk or board of registration for cancellation of the voter's registration as provided in 42 U.S.C. 1973gg-6(a)(3)(A).

(9) Assist the federal Election **Assistance** Commission under 42 U.S.C. 1973gg-7(a)(3) by preparing reports concerning the impact of NVRA on election administration in Indiana.

(10) Recommend improvements to the Federal Election Commission concerning federal and state procedures, forms, or other matters affected by NVRA.

(11) Develop public awareness programs to assist voters in understanding the services available to them under NVRA.

SECTION 21. IC 3-7-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. If the NVRA official determines that the notice alleges a violation of NVRA or this article if the facts set forth in the notice are assumed to be true, the NVRA official shall conduct an investigation under ~~IC 3-6-4~~ **IC 3-6-4.2**.

SECTION 22. IC 3-7-12-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 28. (a) In addition to the reports required for the statewide voter file, the county voter registration office shall file a report with the election division not later than noon January 31 of each year.

(b) The report must include the following:

(1) A statement of the number of voters registered in each precinct of the county as of December 31 of the preceding year.

(2) Any revisions to the county NVRA implementation plan adopted during the preceding year.

(3) Other data prescribed by the division.

**(c) This section expires January 1, 2006.**



SECTION 23. IC 3-7-12-28.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 28.1. (a) This section applies after December 31, 2005.**

**(b) In addition to the reports required for the statewide voter file, the county voter registration office shall file a report with the election division not later than noon January 31 of each year.**

**(c) The report must include the following:**

**(1) Any revisions to the county NVRA implementation plan adopted during the preceding year.**

**(2) Other data prescribed by the division.**

SECTION 24. IC 3-7-12-38 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 38. After concluding the hearing, the county election board shall:

(1) affirm the report;

(2) amend the report;

(3) refer the matter to the **circuit court** clerk for further investigation and submission of a subsequent report to the board;

or

(4) refer the matter to the NVRA official.

SECTION 25. IC 3-7-13-13, AS AMENDED BY P.L.126-2002, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. (a) Except as provided in ~~subsection~~ **subsections (b) and (c)**, when an individual registers to vote, the individual must provide the individual's driver's license number issued under IC 9-24-11 ~~or the individual's identification card number issued under IC 9-24-16~~; **as provided under 42 U.S.C. 15483.**

(b) If an individual does not have a driver's license issued under IC 9-24-11, ~~or an identification card issued under IC 9-24-16~~, the individual must provide the last four (4) digits of the individual's Social Security number when the individual registers to vote, **as provided under 42 U.S.C. 15483.**

(c) **This subsection applies after December 31, 2005. As required under 42 U.S.C. 15483, if an individual does not have a Social Security number, the election division shall assign the individual a number to be associated with the individual's registration in the computerized list maintained under IC 3-7-26.3. If the individual has an identification card number issued under IC 9-24-16, the election division shall assign that number as the voter's number under this subsection. If the individual does not have an identification card number issued under IC 9-24-16, the election division shall assign a unique identifying number to the voter's registration record in the computerized list, as provided under 42 U.S.C. 15483.**

(d) The number provided by the individual under subsection (a) or (b), **or the number assigned to the individual under subsection (c)**, is the individual's voter identification number.

~~(d)~~ (e) A voter's voter identification number may not be changed unless:

(1) the voter made an error when providing the number when registering to vote;

(2) **the election division or a county voter registration office**

made an error when entering the number into the computerized list under IC 3-7-26.3;

(3) the voter obtains or provides a driver's license number under IC 9-24-11 or a Social Security number after the voter was assigned a number under subsection (c); or

(4) the voter ceases to have a driver's license number under IC 9-24-11 after the voter provided that number under subsection (a).

(e) (f) If a voter transfers the voter's registration and the voter's voter identification number is not included in the voter's registration records, the voter registration officer of the county in which the voter's registration is to be transferred shall require the voter to provide the number required by subsection (a) or (b) before the voter's registration is transferred. **If, after December 31, 2005, the voter does not have either of the numbers described in subsection (a) or (b), a voter identification number shall be assigned to the voter under subsection (c).**

SECTION 26. IC 3-7-22-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. This chapter prescribes procedures for voter registration by mail as provided in 42 U.S.C. 1973gg-4 **and after December 31, 2003, 42 U.S.C. 15483.**

SECTION 27. IC 3-7-22-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. As provided in 42 U.S.C. 1973gg-4(a)(1) **and after December 31, 2003, 42 U.S.C. 15483**, a ~~circuit court clerk or board of county voter~~ registration office shall accept and use the mail voter registration form prescribed by the federal Election Assistance Commission under 42 U.S.C. 1973gg-7(a)(2).

SECTION 28. IC 3-7-22-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. As provided in 42 U.S.C. 1973gg-4(a)(2) **and after December 31, 2003, 42 U.S.C. 15483**, a ~~circuit court clerk or board of county voter~~ registration office shall accept and use a mail voter registration form prescribed by the commission that complies with 42 U.S.C. 1973gg-7(b)(2), **42 U.S.C. 15483 after December 31, 2003**, and this article.

SECTION 29. IC 3-7-22-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) A mail registration form prescribed under section 3 of this chapter may only require information necessary to enable the ~~circuit court clerk or board of county voter~~ registration office to do the following:

(1) Assess the eligibility of the applicant, **including after December 31, 2003, the eligibility of the applicant under 42 U.S.C. 15483.**

(2) Administer the voter registration and election process.

(b) The information required under subsection (a) may include the following:

(1) The signature of the applicant.

(2) Data relating to previous registration by the applicant.

(c) The form may not include any requirement for notarization or other formal authentication.

SECTION 30. IC 3-7-22-5 IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2003]: Sec. 5. A mail registration form prescribed under section 3 of this chapter must meet the following requirements:

- (1) The form must include a statement that does the following:
  - (A) Sets forth each eligibility requirement for registration (including citizenship).
  - (B) Contains an attestation that the applicant meets each of the eligibility requirements.
  - (C) Requires the signature of the applicant, under penalty of perjury.
- (2) The form must include, in print that is identical to the print used in the attestation part of the application, information setting forth the penalties provided by law for submission of a false voter registration application.
- (3) After December 31, 2003, the question "Are you a citizen of the United States of America?" and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.**
- (4) After December 31, 2003, the question "Will you be 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be eighteen (18) years of age on or before election day.**
- (5) After December 31, 2003, a statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under 42 U.S.C. 15483 must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time.**

SECTION 31. IC 3-7-26-2, AS AMENDED BY P.L.199-2001, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) The election division shall develop and maintain a statewide voter registration file.

(b) Subject to section 20 of this chapter, not later than ~~July~~ **January** 1, 2004, the election division shall maintain the statewide voter registration file so that the file is accessible by the election division and county voter registration offices through a secure connection over the Internet.

**(c) The statewide voter registration file must comply with the standards and requirements described in 42 U.S.C. 15483.**

SECTION 32. IC 3-7-26-3, AS AMENDED BY P.L.199-2001, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) Each county voter registration office shall provide the voter registration information required under section 7 of this chapter to the election division.

(b) The voter registration office shall ~~periodically~~ update the voter registration information as provided in this chapter and in IC 3-7-38.1.

(c) The election division shall format the statewide voter registration file required under section 2(b) of this chapter so that only the county voter registration office of a particular county is able to change data in the file for that particular county's voters.

SECTION 33. IC 3-7-26-8, AS AMENDED BY P.L.199-2001, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) Until a county has the capability to transmit the information over the Internet as required under subsection (b), the information required by section 7 of this chapter shall be provided on magnetic media or other machine readable form to the election division.

(b) Subject to section 20 of this chapter, not later than ~~July~~ **January** 1, 2004, a county voter registration office shall transmit the information required by section 7 of this chapter to the election division over the Internet, in a manner and using a method prescribed by the election division, through a secure connection to the statewide voter registration file.

(c) The commission shall prescribe a format to ensure the standardization and readability of the data provided under subsection (a) or (b).

SECTION 34. IC 3-7-26-21 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 21. This chapter expires January 1, 2006.**

SECTION 35. IC 3-7-26.3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

**Chapter 26.3. Statewide Voter Registration List**

**Sec. 1. This chapter applies after December 31, 2005.**

**Sec. 2. As used in this chapter, "computerized list" refers to the statewide voter registration list established under section 3 of this chapter.**

**Sec. 3. As required under 42 U.S.C. 15483, and not later than January 1, 2006, the secretary of state with the consent of the co-directors of the election division shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, and interactive statewide voter registration list under this chapter.**

**Sec. 4. As required under 42 U.S.C. 15483, the computerized list must:**

- (1) be defined, maintained, and administered at the state level;**
- (2) contain the name and registration information of every voter in Indiana; and**
- (3) assign a unique identifier to each voter in Indiana.**

**Sec. 5. In accordance with 42 U.S.C. 15483, the computerized list serves as:**

- (1) the single system for storing and managing the official list of voters throughout Indiana; and**
- (2) the official voter registration list for the conduct of all elections in Indiana.**

**Sec. 6. As required under 42 U.S.C. 15483, the computerized list must be coordinated with other agency data bases within Indiana.**

**Sec. 7. As required under 42 U.S.C. 15483, each county voter registration office, the election division, and the secretary of state must be able to obtain immediate electronic access to the information contained in the computerized list.**

1       **Sec. 8. The computerized list must be formatted so that only the**  
 2       **county voter registration office of a county may change data in the**  
 3       **file concerning the voters registered in that county.**

4       **Sec. 9. As required under 42 U.S.C. 15483, a county voter**  
 5       **registration office must electronically enter all voter registration**  
 6       **information obtained by the county voter registration office into**  
 7       **the computerized list on an expedited basis at the time the**  
 8       **information is provided to the county voter registration office.**

9       **Sec. 10. As required under 42 U.S.C. 15483, the secretary of state**  
 10       **and the election division shall provide the support required for the**  
 11       **county voter registration office to enter the information into the**  
 12       **computerized list.**

13       **Sec. 11. As required under 42 U.S.C. 15483, the county voter**  
 14       **registration office shall perform list maintenance with respect to**  
 15       **the computerized list on a regular basis. The list maintenance**  
 16       **activity required under this section includes the removal of an**  
 17       **individual from the list when required by this article and NVRA**  
 18       **following:**

- 19       (1) the death of the individual;
- 20       (2) the individual's confirmation that the individual resides
- 21       outside the county in which the individual is registered; or
- 22       (3) an inactive voter's failure to respond to a notice or
- 23       otherwise act in accordance with 42 U.S.C. 1973gg-6 to require
- 24       the voter's registration to be reclassified as active within the
- 25       period prescribed by NVRA.

26       **Sec. 12. As required under 42 U.S.C. 15483, the election division**  
 27       **shall coordinate the computerized list with the department of**  
 28       **correction records concerning individuals disfranchised under**  
 29       **IC 3-7-46.**

30       **Sec. 13. As required under 42 U.S.C. 15483, the election division**  
 31       **shall coordinate the computerized list with the state department of**  
 32       **health concerning individuals identified as deceased under**  
 33       **IC 3-7-45.**

34       **Sec. 14. As required under 42 U.S.C. 15483, the computerized list**  
 35       **maintenance performed under sections 11 through 13 of this**  
 36       **chapter must ensure that:**

- 37       (1) the name of each voter appears in the computerized list;
- 38       (2) only voters who are not eligible to vote are removed from
- 39       the computerized list; and
- 40       (3) duplicate names of an individual voter are eliminated from
- 41       the computerized list.

42       **Sec. 15. As required under 42 U.S.C. 15483, the election division**  
 43       **and each county voter registration office shall provide adequate**  
 44       **technological security measures to prevent unauthorized access to**  
 45       **the computerized list.**

46       **Sec. 16. As required under 42 U.S.C. 15483, the election division**  
 47       **and each county voter registration office shall ensure that voter**  
 48       **registration records are accurate and updated regularly.**

49       **Sec. 17. As required under 42 U.S.C. 15483, the election division**  
 50       **and each county voter registration office shall perform the list**  
 51       **maintenance required under NVRA to ensure that inactive voters**

described in section 11(3) of this chapter and 42 U.S.C. 1973gg-6(d)(1)(B) are removed from the official list of eligible voters.

**Sec. 18.** As required under 42 U.S.C. 15483, the secretary of state, the co-directors of the election division, and the bureau of motor vehicles commission shall enter into an agreement to match information in the computerized list data base with information in the data base of the bureau of motor vehicles commission to enable the election division (acting on behalf of the secretary of state) and the commission to verify the accuracy of the information provided on voter registration applications.

**Sec. 19. (a)** As required under 42 U.S.C. 15483, the bureau of motor vehicles commission shall enter into an agreement with the Commissioner of Social Security under 42 U.S.C. 405(r)(8)(A) to verify information set forth on voter registration applications.

**(b)** The following information is subject to verification under this section:

(1) Whether the name (including the first name and any family forename or surname), date of birth (including month, day, and year), and Social Security number of an individual provided to the Commissioner of Social Security match the information contained in the Commissioner's records.

(2) Whether the individual is shown in the records of the Commissioner of Social Security as deceased.

**Sec. 20.** As required by 42 U.S.C. 15483, the agreement under section 19 of this chapter must include:

(1) safeguards to assure the maintenance of the confidentiality of any information disclosed to the bureau;

(2) procedures to permit the bureau to use the information to maintain the bureau's records; and

(3) procedures to permit the election division to coordinate the records of the computerized list established under this chapter with the bureau's data base as provided by section 6 of this chapter.

**Sec. 21.** As provided by 42 U.S.C. 15483, the information provided by the Commissioner of Social Security or by an individual to the bureau of motor vehicles is confidential. The information may be used only for the purposes described under 42 U.S.C. 15483 and sections 19 and 20 of this chapter.

SECTION 36. IC 3-7-27-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) As required under 42 U.S.C. 1973gg-6(i), a county voter registration office shall retain records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of the voter registration list. These records include the following:

(1) Lists of names and addresses of voters who were sent notices under the voter list maintenance program.

(2) Information concerning whether a voter has responded to a notice described by subdivision (1) as of the date the inspection of the record is made.

(b) The county voter registration office shall retain the records

described by this section for at least two (2) years. Except for records concerning declinations to register to vote or that indicate the identity of a voter registration agency where a person registered, the county voter registration office shall make the records available for public inspection and photocopying at a reasonable cost as provided in IC 5-14-3.

(c) ~~This subsection applies to a county that maintains voter registration information on a computerized system.~~ In accordance with IC 5-14-3-3(g) and notwithstanding any other statute, a county voter registration office shall, with regard to voter registration information **concerning voters of the county** on a computerized system, act in accordance with a nondiscriminatory uniform policy adopted by the county election board. The policy must either permit a person to duplicate or obtain a duplicate copy of a computer tape, computer disc, microfilm, or other similar record system that contains this voter registration information or not permit the person to duplicate or obtain a duplicate copy of the information.

(d) A person who requests computerized voter registration information under subsection (c) must provide a written statement that the person will not:

- (1) use the information to solicit merchandise, goods, services, or subscriptions; or
  - (2) sell, loan, give away, or otherwise deliver the information obtained by the request to any other person;
- for a purpose other than political activities or political fundraising activities.

(e) Publication of information obtained under subsection (d) in a news broadcast or newspaper is not prohibited.

SECTION 37. IC 3-7-27-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 20. (a) This section applies to a county that maintains voter registration information in a computerized system.

(b) The county voter registration office shall prepare an entry in the computerized system that accurately reflects the information set forth in the original affidavit of registration **and, if the applicant was required to provide documentation under IC 3-7-33-4.5, whether the required documentation has been provided.**

(c) **If the documentation required under IC 3-7-33-4.5 has been provided, the entry must include the following:**

- (1) **The date the documentation was filed with the county voter registration office.**
- (2) **Whether the documentation was filed with the county voter registration office:**
  - (A) **by a precinct election board after the person voted in person at the polling place;**
  - (B) **by the county election board after the person applied to cast an absentee ballot; or**
  - (C) **by the applicant as part of the original filing of the application to register to vote, or in a subsequent filing received by the county voter registration office.**
- (3) **A brief description of the type of documentation provided.**

**The election division shall provide each county voter registration office with a suggested coding system for identifying the types of documentation.**

**(d)** However, the county voter registration office is only required to enter a voter's voting history for the previous ten (10) years if that history is available.

~~(e)~~ **(e)** The county voter registration office is not required to prepare a duplicate paper copy of a registration properly entered into the computerized system.

~~(f)~~ **(f)** The computerized system must be able to generate lists of voters organized alphabetically and by precinct of residence.

**(g) This section expires January 1, 2006.**

SECTION 38. IC 3-7-27-20.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 20.1. (a) This section applies after December 31, 2005.**

**(b) The county voter registration office shall prepare an entry in the computerized system that accurately reflects the information set forth in the original affidavit of registration. However, the county voter registration office is required to enter a voter's voting history for the previous ten (10) years only if that history is available.**

**(c) The county voter registration office is not required to prepare a duplicate paper copy of a registration properly entered into the computerized system.**

SECTION 39. IC 3-7-27-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 21. (a) This section applies to a county whose voter registration records are maintained on a computerized system described by section 20 of this chapter.**

**(b) The ~~circuit court clerk or board of county voter~~ registration office is not required to maintain duplicate paper copies of original registrations if the county maintains a regularly updated copy of the computerized record at a secure location outside of the ~~county voter registration~~ office of the ~~circuit court clerk or board of registration~~ that would prevent loss of registration information if the records in the ~~county voter registration~~ office of the ~~circuit court clerk or board of registration~~ were not available.**

**(c) Notwithstanding IC 5-15, a ~~circuit court clerk or board of county voter~~ registration office may dispose of duplicate paper copies of original registrations made before January 1, 1995, by destroying the duplicate paper copies.**

**(d) This section expires January 1, 2006.**

SECTION 40. IC 3-7-27-21.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 21.1. (a) This section applies after December 31, 2005.**

**(b) The county voter registration office is not required to maintain duplicate paper copies of original registrations.**

**(c) Notwithstanding IC 5-15, a county voter registration office may dispose of duplicate paper copies of original registrations made before January 1, 2006, by destroying the duplicate paper copies.**

SECTION 41. IC 3-7-27-22 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 22. (a) This section  
 2 applies **before January 1, 2006**, to a county whose voter registration  
 3 records are maintained on a computerized system described by section  
 4 20 of this chapter. **After December 31, 2005, this section applies to**  
 5 **all counties.**

6 (b) **Before January 1, 2006**, the ~~circuit court clerk or board of~~  
 7 **county voter registration office** may maintain the original affidavits of  
 8 registration in a secure location outside of the **county voter**  
 9 **registration office** of the ~~circuit court clerk or board of registration~~ if:

10 (1) the county maintains a regularly updated copy of the  
 11 computerized record as described in section 21(b) of this chapter;  
 12 and

13 (2) the original affidavits are not located in the same location as the  
 14 updated copy of the computerized record.

15 **After December 31, 2005, the county voter registration office may**  
 16 **maintain the original affidavits of registration in a secure location**  
 17 **outside the county voter registration office.**

18 SECTION 42. IC 3-7-27-23, AS ADDED BY P.L.176-1999,  
 19 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2003]: Sec. 23. (a) This section applies to a county that  
 21 maintains voter registration information in a computerized system.

22 (b) If a county voter registration office enters into a contract to  
 23 acquire voter registration computer software provided by a person other  
 24 than a person who:

25 (1) had previously furnished the voter registration computer  
 26 software to the county; or

27 (2) is currently providing technical assistance regarding the  
 28 computer software to the county voter registration office;

29 the county voter registration office shall notify the person who  
 30 furnished the software or is providing support for the software of this  
 31 determination. This notice shall be sent by certified mail, return receipt  
 32 requested, to the most recent address provided to the county by this  
 33 person.

34 (c) Not later than sixty (60) days after the county voter registration  
 35 office mails the notice described in subsection (b), the person receiving  
 36 the notice shall provide the person who has entered into a contract with  
 37 the county voter registration office with information concerning the  
 38 specifications for the computer software program furnished to the  
 39 county or supported by that person. A person is not required to provide  
 40 proprietary information to another person under this subsection but is  
 41 required to act in good faith to permit the county voter registration  
 42 office to install the voter registration software supplied by another  
 43 person.

44 **(d) This section expires January 1, 2006.**

45 SECTION 43. IC 3-7-29-1 IS AMENDED TO READ AS FOLLOWS  
 46 [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) Not later than ten (10) days  
 47 before the election at which the registration record is to be used, the  
 48 ~~circuit court clerk or board of registration~~ **county voter registration**  
 49 **office** shall prepare certified copies of the list of registered voters for  
 50 each precinct in the county.

51 (b) The lists must contain the **following information concerning**

1 each registered voter:

2 (1) The full name of the voter.

3 (2) The address and of the voter.

4 (3) The assigned county identification number. of each registered  
5 voter.

6 (4) After December 31, 2003, whether the voter is required to  
7 provide additional identification before voting either in person  
8 or by absentee ballot.

9 (c) The names shall be arranged in the same order as they are in the  
10 registration record of the precinct.

11 SECTION 44. IC 3-7-29-3 IS AMENDED TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) **This subsection applies**  
13 **before January 1, 2006.** When the inspector of a precinct procures the  
14 ballots and other election supplies for an election, the inspector shall  
15 also procure from the ~~circuit court clerk or board of registration~~  
16 **county voter registration office:**

17 (1) in a county whose registration records are not maintained on a  
18 computerized system described by IC 3-7-27-20, the duplicate  
19 copy of the registration record; or

20 (2) in a county with a computerized registration system, the  
21 certified copies of the registration record of the precinct with the  
22 information required under section 1 of this chapter;

23 and other necessary registration supplies.

24 (b) **This subsection applies after December 31, 2005. When the**  
25 **inspector of a precinct procures the ballots and other election**  
26 **supplies for an election, the inspector shall also procure from the**  
27 **county voter registration office the certified copies of the**  
28 **registration record of the precinct with the information required**  
29 **under section 1 of this chapter and other necessary registration**  
30 **supplies.**

31 SECTION 45. IC 3-7-29-4 IS AMENDED TO READ AS FOLLOWS  
32 [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) **This subsection applies**  
33 **before January 1, 2006.** The ~~circuit court clerk or board of registration~~  
34 **county voter registration office** in a county with a computerized  
35 registration system may also provide the inspector of each precinct in  
36 the county with a certified photocopy of the signature on the affidavit  
37 of registration of each voter of the precinct for the comparison of  
38 signatures under IC 3-10-1-24.5 or IC 3-11-8-25.

39 (b) **This subsection applies after December 31, 2005. The county**  
40 **voter registration office may also provide the inspector of each**  
41 **precinct in the county with a certified photocopy of the signature**  
42 **on the affidavit of registration of each voter of the precinct for the**  
43 **comparison of signatures under IC 3-10-1-24.5 or IC 3-11-8-25.**

44 SECTION 46. IC 3-7-30-1 IS AMENDED TO READ AS FOLLOWS  
45 [EFFECTIVE JULY 1, 2003]: Sec. 1. As required under 42 U.S.C.  
46 1973gg-6(a)(6), the records of **the statewide voter registration**  
47 **system or a circuit court clerk or board of registration county voter**  
48 **registration office** indicating the identity of the voter registration  
49 agency through which an individual registered ~~is~~ **are** confidential.

50 SECTION 47. IC 3-7-30-5 IS AMENDED TO READ AS FOLLOWS  
51 [EFFECTIVE JULY 1, 2003]: Sec. 5. Certain uses of information from

the statewide voter file are prohibited:

(1) before January 1, 2006, under IC 3-7-26;

(2) after December 31, 2005, under IC 3-7-26.3.

SECTION 48. IC 3-7-30-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. Certain voter registration information in the statewide voter registration file maintained by the election division:

(1) under IC 3-7-26 before January 1, 2006; and

(2) under IC 3-7-26.3 after December 31, 2005;

is confidential.

SECTION 49. IC 3-7-33-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) A ~~circuit court clerk or board of registration~~ county voter registration office shall compare a registration form that has been received by the ~~clerk or board~~ county voter registration office with the registration record and determine if the individual has already registered according to the records of the ~~clerk or board~~ county voter registration office.

(b) This section expires January 1, 2006.

SECTION 50. IC 3-7-33-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) This section applies to a voter registration application submitted on a registration by mail form under ~~IC 3-7-31~~ IC 3-7-22.

(b) Except as provided in subsection (c), and as provided in 42 U.S.C. 1973gg-6(a)(1), an eligible applicant whose application is postmarked not later than twenty-nine (29) days before the election shall be registered to vote in the election.

(c) If a postmark on a registration by mail form is missing or illegible, an eligible applicant shall be registered to vote in the election if the form is received by the ~~circuit court clerk or board of registration~~ county voter registration office not later than twenty-four (24) days before the election.

SECTION 51. IC 3-7-33-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4.5. (a) This section applies after December 31, 2003.

(b) Except as provided in subsection (c), this section applies to an individual who:

(1) submits an application to register to vote by mail under IC 3-7-22; and

(2) has not previously voted in:

(A) a general election in Indiana (or a special election for federal office in Indiana); or

(B) a general election (or a special election for federal office) in the county where the individual has submitted an application under this chapter if a statewide voter registration system is not operational in accordance with the requirements of IC 3-7-26 and 42 U.S.C. 15483 on the date the application is received by the county voter registration office.

(c) This section does not apply to an individual who complies with the requirements in any of the following:

(1) The individual submits an application to register to vote by

mail under this chapter and includes with that mailing a copy of:

- (A) a current and valid photo identification; or
- (B) a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.

(2) The individual submits an application to register to vote by mail under this chapter that includes the individual's:

- (A) Indiana driver's license number; or
- (B) last four (4) digits of the individual's Social Security number;

and the county voter registration office or election division matches the information submitted by the applicant with an existing Indiana identification record bearing the same number, name, and date of birth set forth in the voter registration application.

(3) The individual is an absent uniformed services voter or overseas voter.

(4) The individual is entitled to vote other than in person under the federal Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)) due to a determination by the election division that a permanent or temporarily accessible polling place cannot be provided for the individual.

(5) The individual is entitled to vote other than in person under any other federal law.

(d) When a county voter registration office receives a voter registration application by mail, the office shall determine whether the applicant is subject to the requirements to provide additional documentation under this section and 42 U.S.C. 15483.

(e) As required by 42 U.S.C. 15483, a county voter registration office shall administer the requirements of this section in a uniform and nondiscriminatory manner.

(f) If the county voter registration office determines that the applicant:

- (1) is not required to submit additional documentation under this section; or
- (2) has provided the documentation required under this section;

the county voter registration office shall process the application in accordance with section 5 of this chapter.

(g) If the county voter registration office determines that the applicant is required to submit additional documentation under this section and 42 U.S.C. 15483, the office shall process the application under section 5 of this chapter and, if the applicant is otherwise eligible to vote, add the information concerning this documentation to the voter's computerized registration entry under IC 3-7-27-20(c).

(h) The county voter registration office shall remove the notation described in subsection (g) after the voter votes in an election for a federal office.

SECTION 52. IC 3-7-33-5, AS AMENDED BY P.L.122-2000, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) When the ~~circuit court clerk or board of registration county voter registration office~~ receives an application for a new registration or an application with information that revises or adds information to the applicant's current voter registration record, the ~~clerk or board county voter registration office~~ shall determine if the applicant appears to be eligible to register to vote based on the information in the application.

(b) As required under 42 U.S.C. 1973gg-6(a)(2), the ~~circuit court clerk or board of registration county voter registration office~~ shall send a notice to each person from whom the ~~clerk or board county voter registration office~~ receives a voter registration application. The ~~clerk or board county voter registration office~~ shall send a notice to the applicant at the mailing address provided in the application.

(c) The notice required by subsection (b) must set forth the following:

(1) A statement that the application has been received.

(2) The disposition of the application by the ~~clerk or board county voter registration office~~.

(3) If the ~~clerk or board county voter registration office~~ determines that the applicant appears to be eligible, the notice must state the following:

(A) The applicant is registered to vote under the residence address when the applicant receives the notice. An applicant is presumed to have received the notice unless the notice is returned by the United States Postal Service due to an unknown or insufficient address.

(B) The name of the precinct in which the voter is registered.

(C) The address of the polling place for the precinct in which the voter is registered.

**(D) The voter's voter identification number.**

(4) **In accordance with 42 U.S.C. 1973ff-1(d)**, if the ~~clerk or board county voter registration office~~ has denied the application, the notice must include the reasons for the denial.

(d) The notice required by subsection (b) may include a voter registration card.

(e) If the notice is returned by the United States Postal Service due to an unknown or insufficient address, the ~~clerk or board county voter registration office~~ shall determine that the applicant is ineligible and deny the application.

SECTION 53. IC 3-7-34-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. This chapter applies when a ~~circuit court clerk or board of county voter registration office~~ receives a registration form that is not properly completed under:

**(1) IC 3-7 or after December 31, 2003, 42 U.S.C. 15483; or**

**(2) is filed in an incorrect county.**

SECTION 54. IC 3-7-34-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) This section applies when a ~~circuit court clerk or board of county voter registration office~~ receives

a registration form that is not fully and properly completed so that the clerk or board can determine if the applicant is eligible to register under this article **or after December 31, 2003, fails to answer either of the questions set forth in IC 3-7-22-5(3) or IC 3-7-22-5(4).**

(b) **As required by 42 U.S.C. 15483, the clerk or board county voter registration office** shall promptly make:

- (1) one (1) effort to contact the voter by mail if possible; and
- (2) one (1) effort to contact the voter by telephone if a telephone number is listed.

SECTION 55. IC 3-7-34-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. **(a) This subsection applies after December 31, 2003, to a registration application that is incomplete as a result of the failure of the applicant to answer either of the questions set forth in IC 3-7-22-5(3) or IC 3-7-22-5(4). If the county voter registration office obtains a written statement from the applicant:**

- (1) answering either or both of the questions that were not answered on the original application; and**
- (2) not later than the twenty-ninth day before the date of the next general election following the date the application was filed;**

**the county voter registration office shall process the form under this article.**

**(b) This subsection applies to a registration application that is incomplete for a reason other than the failure of the applicant to answer either of the questions set forth in IC 3-7-22-5(3) or IC 3-7-22-5(4). If the circuit court clerk or board of county voter registration office obtains information under section 2 section 2(b)(1) of this chapter that permits the clerk or board county voter registration office to complete the registration form, the clerk or board county voter registration office shall process the form under this article.**

SECTION 56. IC 3-7-34-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. **(a) If a registration form contains all of the information required to be supplied by the voter, but does not include the information required to be supplied by the bureau of motor vehicles commission or a voter registration agency, the circuit court clerk or board of county voter registration office shall promptly make one (1) effort to contact the officer, commission, or agency to obtain the information.**

**(b) This subsection applies after December 31, 2005. If the information is not obtained from the officer, commission, or agency under subsection (a) not later than seven (7) days after the county voter registration office provides the notice, the county voter registration office shall notify the NVRA official. The NVRA official shall contact the officer, commission, or agency to request that the information be provided to the county voter registration office or that the officer, commission, or agency file a statement with the county voter registration office indicating why the information is not available.**

SECTION 57. IC 3-7-34-12 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. **(a) This subsection**  
 2 **applies before January 1, 2006.** If the registration form is not  
 3 compatible with the county's voter registration system, the ~~circuit court~~  
 4 ~~clerk or board of county voter~~ registration office may reproduce the  
 5 form for the county's system and retain the original form to document  
 6 the registration.

7 **(b) This subsection applies after December 31, 2005. If the**  
 8 **registration form is not compatible with the county's voter**  
 9 **registration files of original voter registration affidavits, the county**  
 10 **voter registration office may reproduce the form for the county's**  
 11 **system and retain the original form to document the registration.**

12 SECTION 58. IC 3-7-35-2, AS AMENDED BY P.L.38-1999,  
 13 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2003]: Sec. 2. (a) The county voter registration office shall  
 15 ensure that the software program used to generate the poll list for the  
 16 precinct in which the voter resides indicates whether the name of the  
 17 voter should be included on a poll list.

18 (b) The software program must generate a poll list that does not  
 19 include the name of a voter unless the voter will be:

- 20 (1) at least eighteen (18) years of age when the election is
- 21 conducted; or
- 22 (2) eligible to vote in the election under this article.

23 **(c) This section expires January 1, 2006.**

24 SECTION 59. IC 3-7-35-2.1 IS ADDED TO THE INDIANA CODE  
 25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 26 1, 2003]: Sec. 2.1. **(a) This section applies after December 31, 2005.**

27 **(b) The county voter registration office shall generate a poll list**  
 28 **for the precinct where the voter resides that does not include the**  
 29 **name of a voter unless the voter will be:**

- 30 (1) at least eighteen (18) years of age when the election is
- 31 conducted; or
- 32 (2) eligible to vote in the election under this article.

33 SECTION 60. IC 3-7-35-3, AS AMENDED BY P.L.38-1999,  
 34 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2003]: Sec. 3. (a) The county voter registration office shall  
 36 ensure that the software program used to generate a jury list indicates  
 37 whether the name of the voter should be used for jury service.

38 (b) The software program must generate a jury list that does not  
 39 include the name of a voter unless the voter will be at least eighteen  
 40 (18) years of age when the jury is empaneled.

41 **(c) This section expires January 1, 2006.**

42 SECTION 61. IC 3-7-35-3.1 IS ADDED TO THE INDIANA CODE  
 43 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 44 1, 2003]: Sec. 3.1. **(a) This section applies after December 31, 2005.**

45 **(b) The county voter registration office shall generate**  
 46 **information to be used in the compilation of a jury list that does**  
 47 **not include the name of a voter unless the voter will be at least**  
 48 **eighteen (18) years of age when the jury is empaneled.**

49 SECTION 62. IC 3-7-38.1-11 IS ADDED TO THE INDIANA CODE  
 50 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 51 1, 2003]: Sec. 11. **This chapter expires January 1, 2006.**

1 SECTION 63. IC 3-7-38.2-2 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. A voter list  
 3 maintenance program conducted under this chapter or **before January**  
 4 **1, 2006**, IC 3-7-38.1 must be:

- 5 (1) uniform, nondiscriminatory, and in compliance with the Voting
- 6 Rights Act of 1965 (42 U.S.C. 1973);
- 7 (2) not result in the removal of the name of a person from the
- 8 official list of votes solely due to the person's failure to vote; and
- 9 (3) completed not later than ninety (90) days before a primary,
- 10 general, or municipal election.

11 SECTION 64. IC 3-7-38.2-3 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. As provided under  
 13 42 U.S.C. 1973gg-6(c)(2)(B)(i), this chapter and **before January 1,**  
 14 **2006**, IC 3-7-38.1 do not prevent the removal of a voter's name from  
 15 the voter registration record during the final ninety (90) day period  
 16 before a primary, general, or municipal election due to any of the  
 17 following in accordance with this article:

- 18 (1) The written request of the voter.
- 19 (2) Disenfranchisement due to criminal conviction and
- 20 incarceration.
- 21 (3) The death of the voter.

22 SECTION 65. IC 3-7-38.2-4 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. As provided under  
 24 42 U.S.C. 1973gg-6(c)(2)(B)(ii), this chapter and **before January 1,**  
 25 **2006**, IC 3-7-38.1 do not prevent the correction of voter registration  
 26 records under this article.

27 SECTION 66. IC 3-7-38.2-5 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. To assist in  
 29 performing voter list maintenance under this chapter and **before**  
 30 **January 1, 2006**, to supplement the duplicate voter registration  
 31 elimination program under IC 3-7-38.1, the NVRA official may submit  
 32 the names of all registered voters in Indiana to the United States Postal  
 33 Service National Change of Address Service. The submission under  
 34 this chapter shall be compiled from the county voter registration  
 35 information submitted to the ~~commission~~ **election division** under:

- 36 (1) IC 3-7-26 **before January 1, 2006; and**
- 37 (2) **IC 3-7-26.3 after December 31, 2005.**

38 SECTION 67. IC 3-7-40-2 IS AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) The circuit court clerk or  
 40 board of registration shall add the "ZIP Code + Four" designation to the  
 41 address of each voter in the voter registration record.

42 (b) **This section expires January 1, 2006.**

43 SECTION 68. IC 3-7-40-4 IS AMENDED TO READ AS FOLLOWS  
 44 [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) **This subsection applies**  
 45 **before January 1, 2006.** One (1) time each calendar year the NVRA  
 46 official may submit to the United States Postal Service a list of the  
 47 names and addresses of voters with rural route addresses.

48 (b) **This subsection applies after December 31, 2005. The NVRA**  
 49 **official may submit to the United States Postal Service a list of the**  
 50 **names and addresses of voters with rural route addresses.**

51 SECTION 69. IC 3-7-40-6 IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2003]: Sec. 6. **(a) This subsection applies before January 1, 2006.** When notified by the NVRA official of a conversion from rural route addresses to numbered addresses under this chapter, the ~~circuit court clerk or board of county voter~~ registration office shall, as soon as practicable, do the following:

(1) Draw a red line through the rural route address appearing on the affidavit or form of registration and write the numbered address that replaces the rural route address on the affidavit or form.

(2) Make an appropriate entry in each computerized record for the precinct.

**(b) This subsection applies after December 31, 2005. When notified by the NVRA official of a conversion from rural route addresses to numbered addresses under this chapter, the county voter registration office shall, as soon as practicable, amend:**

**(1) the original affidavit filed by the voter to indicate the numbered address that replaces the rural route address on the affidavit; and**

**(2) the entry for the voter in the computerized list under IC 3-7-26.3.**

SECTION 70. IC 3-7-40-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) This section applies if the ~~circuit court clerk or board of county voter~~ registration office is notified by:

(1) the United States Postal Service; or

(2) a local public official or plan commission under this chapter; that the mailing address, street name, or residence number of a voter's residence has been changed by the United States Postal Service, local public official, or plan commission.

**(b) The ~~clerk or board~~ county voter registration office shall, as soon as practicable after the change becomes effective:**

(1) draw a red line through the mailing address, street name, or residence number appearing on the affidavit or form of registration and write the changed mailing address, street name, or residence number on the affidavit or form; and

(2) make an appropriate entry in each computerized record for the precinct.

**(c) This section expires January 1, 2006.**

SECTION 71. IC 3-7-42-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. **(a) This subsection applies before January 1, 2006.** At the time of transfer, the ~~clerk or board~~ county voter registration office shall draw a red line through the name or number of the precinct appearing on the affidavit or form of registration and shall write the name or number of the precinct to which the voter has been transferred and make an appropriate entry in the computerized record for the precinct.

**(b) This subsection applies after December 31, 2005. At the time of transfer, the county voter registration office shall amend:**

**(1) the original affidavit filed by the voter to indicate the changed mailing address, street name, or residence number on the affidavit; and**

**(2) the entry for the voter in the computerized list under**

**IC 3-7-26.3.**

SECTION 72. IC 3-7-43-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. **(a)** A request from a voter under this chapter may be made when the voter registers in another county in Indiana or in a jurisdiction outside of Indiana. A registration form under this section must be signed by the voter or, if not signed by the voter, after the NVRA official notifies the ~~circuit court clerk or board of county voter~~ registration office that the jurisdiction where the voter has registered can provide a signed copy of the voter's request if desired by the clerk or board: **has provided the election division with written notice of the voter's registration in the jurisdiction and request for cancellation of previous registrations.**

**(b) The election division shall forward a copy of the notice to the appropriate county voter registration office.**

SECTION 73. IC 3-7-43-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) This section applies to a voter who requests a cancellation of voter registration under IC 3-7-39-6.

**(b) This subsection applies before January 1, 2006.** The ~~circuit court clerk or board of county voter~~ registration office of the county in which a voter registers shall send the authorization of cancellation to the ~~circuit court clerk or board of registration county voter~~ registration office of the ~~county or~~ counties of previous residence within fifteen (15) days after receipt of the authorization. However, all authorizations shall be sent to the ~~clerk or board county voter~~ registration office not later than the fifteenth day before the date on which an election will be held.

**(c) This subsection applies after December 31, 2005. The county voter registration office of the county in which a voter registers shall send the authorization of cancellation to the county voter registration office on an expedited basis, as required by IC 3-7-26.3.**

SECTION 74. IC 3-7-43-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. **(a) This subsection applies before January 1, 2006.** The ~~circuit court clerk or board of county voter~~ registration office shall remove the affidavit of the voter from the registration record of the county and shall cancel the affidavit of registration by writing the word "canceled" and the date of the cancellation across the face of the affidavit and entering the cancellation in any computerized record.

**(b) This subsection applies after December 31, 2005. The county voter registration office shall cancel the affidavit of registration and enter the date and other information concerning the cancellation in the computerized list under IC 3-7-26.3.**

SECTION 75. IC 3-7-43-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) **This subsection applies before January 1, 2006.** If either of the addresses given by a person under IC 3-7-39 is outside Indiana, the county voter registration office shall, not later than fifteen (15) days after receipt, send the authorization of cancellation to the election division.

**(b) This section applies after December 31, 2005. If either of the addresses given by a person under IC 3-7-39 is outside Indiana, the**

**county voter registration office shall send the authorization of cancellation to the election division on an expedited basis.**

(c) The election division shall promptly send the authorization to the voter registration office of the political subdivision that has jurisdiction over the address.

SECTION 76. IC 3-7-45-2, AS AMENDED BY P.L.199-2001, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) Not later than:

(1) January 31;

(2) April 30;

(3) July 31; and

(4) October 31;

of each year the state department of health shall submit a report to the election division electronically in a format prescribed by the commission.

(b) The state department of health shall report to the election division, by county, the names, ages, and known residence addresses of all persons who:

(1) died within Indiana but outside of the county during the preceding three (3) months; and

(2) maintained a residence address within the county during the two (2) years preceding the date of death.

(c) Each county health officer and municipal health officer shall report to the state department of health the names, ages, and known voting addresses in the county of all persons:

(1) who have died within the jurisdiction of the officer; or

(2) for whom burial permits have been issued by the officer;

during the previous three (3) months. The state department of health shall report this information to the election division.

(d) The state department of health shall report to the election division, by county, the names, ages, and known residence addresses of all persons:

(1) who died outside Indiana during the preceding three (3) months;

(2) who maintained a residence address within the county during the two (2) years preceding the date of death; and

(3) whose name was supplied to the state department of health under an agreement made under section 5 of this chapter.

**(e) This section expires January 1, 2006.**

SECTION 77. IC 3-7-45-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2.1. (a) **This section applies after December 31, 2005.**

(b) **As required under 42 U.S.C. 15483, the election division shall coordinate the computerized list generated by the statewide voter registration system under IC 3-7-26.3 with the state department of health to permit a county voter registration office to cancel the registration records of deceased individuals on an expedited basis.**

(c) **The state department of health shall report to the election division, by county, the names, ages, and known residence addresses of all persons who:**

**(1) died within Indiana but outside the county of residence; and**

(2) maintained a residence address within the county during the two (2) years preceding the date of death.

(d) Each county health officer and municipal health officer shall report to the state department of health the names, ages, and known voting addresses in the county of all persons:

(1) who have died within the jurisdiction of the officer; or

(2) for whom burial permits have been issued by the officer.

The state department of health shall report this information to the election division.

(e) The state department of health shall report to the election division, by county, the names, ages, and known residence addresses of all persons:

(1) who died outside Indiana;

(2) who maintained a residence address within the county during the two (2) years preceding the date of death; and

(3) whose names were supplied to the state department of health under an agreement made under section 5 of this chapter.

SECTION 78. IC 3-7-45-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) **This subsection applies before January 1, 2006.** Not later than thirty (30) days after receipt of the reports required by section 2 of this chapter, each ~~circuit court clerk~~ **or board of county voter registration office** shall cancel the registration of each deceased person listed in the reports.

(b) **This subsection applies after December 31, 2005. As required by 42 U.S.C. 15483, after receipt of the reports required by section 2 of this chapter, each county voter registration office shall cancel the registration of each deceased person listed in the reports.**

SECTION 79. IC 3-7-45-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) **This subsection applies before January 1, 2006.** Except as provided in subsection (b), (c), a ~~circuit court clerk~~ **county voter registration office** shall cancel the registration of a deceased person not later than thirty (30) days after receiving a copy of the deceased person's death certificate.

(b) **This subsection applies after December 31, 2005. Except as provided in subsection (c), a county voter registration office shall cancel the registration of a deceased person after receiving a copy of the deceased person's death certificate on an expedited basis, as required under 42 U.S.C. 15483. The county voter registration office shall enter the date and other information regarding the cancellation into the computerized list under IC 3-7-26.3.**

(c) A ~~circuit court clerk~~ **county voter registration office** may require additional written information before canceling the registration of a person under subsection (a) **or (b)** if the information contained in the death certificate is insufficient to identify the person whose registration is to be canceled. If:

(1) additional written information is not given to the ~~circuit court clerk~~ **county voter registration office**; or

(2) the additional written information is insufficient to identify the person whose registration is to be canceled;

the ~~circuit court clerk~~ **county voter registration office** is not required

to cancel the person's registration under subsection (a).

SECTION 80. IC 3-7-45-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) The state department of health shall negotiate with appropriate agencies in each state other than Indiana to acquire information regarding the deaths of Indiana residents occurring in each of the other states. The state department of health may offer to share with each other state information regarding the deaths of the other state's residents in Indiana.

(b) If an agreement is made with the agency of another state under this section, the agreement must provide for acquisition of information about the deaths of Indiana residents in the other state so that the state department of health can forward that information ~~to counties~~ as provided in section 2 **or 2.1** of this chapter.

SECTION 81. IC 3-7-45-6, AS ADDED BY P.L.38-1999, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) The election division or a contractor acting on behalf of the election division under IC 3-7-38.1 may obtain a list of Indiana residents identified as deceased by the federal Social Security Administration.

(b) The election division or a contractor acting on behalf of the election division under IC 3-7-38.1 shall provide each county voter registration office with a report identifying the deceased individuals who are shown as residing in the county according to the statewide voter file prepared under IC 3-7-38.1.

(c) Except as provided in section 7 of this chapter, the county voter registration office shall cancel the registration of each deceased person listed in the report provided under subsection (b).

**(d) This section expires January 1, 2006.**

SECTION 82. IC 3-7-45-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6.1. **(a) This section applies after December 31, 2005.**

**(b) The election division shall obtain information regarding Indiana residents identified as deceased by the federal Social Security Administration as required by 42 U.S.C. 15483 and in conformity with IC 3-7-26.3.**

**(c) The election division shall provide each county voter registration office with a report identifying the deceased individuals who are shown as residing in the county.**

**(d) Except as provided in section 7 of this chapter, the county voter registration office shall cancel the registration of each deceased person listed in the report provided under subsection (c).**

SECTION 83. IC 3-7-45-8, AS ADDED BY P.L.199-2001, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. The NVRA official shall notify ~~the circuit court clerk or board of each county voter~~ registration office of each ~~respective county~~ of the names of deceased persons obtained under this chapter.

SECTION 84. IC 3-7-46-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. As permitted under 42 U.S.C. 1973gg-6(a)(3)(B) **and in the manner required under 42 U.S.C. 15483**, a circuit court clerk or board of county voter registration office

1 shall remove from the official list of registered voters the name of a  
 2 voter who is disfranchised under this chapter due to a criminal  
 3 conviction.

4 SECTION 85. IC 3-7-46-3 IS AMENDED TO READ AS FOLLOWS  
 5 [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) This section applies to a  
 6 person convicted of a felony in a district court of the United States.

7 (b) As required by 42 U.S.C. 1973gg-6(g)(5), the NVRA official  
 8 shall notify the ~~circuit court clerk or board of county voter~~ registration  
 9 **office** of the county in Indiana in which the person resides of the  
 10 information provided by the United States attorney under 42 U.S.C.  
 11 1973gg-6(g)(2), 42 U.S.C. 1973gg-6(g)(3), and 42 U.S.C.  
 12 1973gg-6(g)(4).

13 (c) If the information provided under subsection (b) indicates that the  
 14 person is disfranchised under section 2 of this chapter, the ~~clerk or~~  
 15 **board county voter registration office** shall remove the name of the  
 16 person from the voter registration records **on an expedited basis as**  
 17 **required by 42 U.S.C. 15483.**

18 SECTION 86. IC 3-7-46-4, AS AMENDED BY P.L.199-2001,  
 19 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2003]: Sec. 4. (a) Not later than the second Tuesday of each  
 21 month, the department of correction shall provide the NVRA official  
 22 with a list identifying each person who:

- 23 (1) is a resident of Indiana;
- 24 (2) has been convicted of a crime; and
- 25 (3) has been placed in a department of correction facility during  
 26 the previous month.

27 (b) The department of correction shall provide the information  
 28 required by this section electronically in a format prescribed by the  
 29 commission.

30 **(c) This section expires January 1, 2006.**

31 SECTION 87. IC 3-7-46-4.1 IS ADDED TO THE INDIANA CODE  
 32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 33 1, 2003]: Sec. 4.1. (a) **This section applies after December 31, 2005.**

34 **(b) As required under 42 U.S.C. 15483, the election division shall**  
 35 **coordinate the computerized list generated by the statewide voter**  
 36 **registration system under IC 3-7-26.3 with the department of**  
 37 **correction to permit a county voter registration office to cancel the**  
 38 **registration records of disfranchised individuals on an expedited**  
 39 **basis.**

40 **(c) The department of correction shall provide the NVRA official**  
 41 **with a list identifying each person who:**

- 42 **(1) is a resident of Indiana;**
- 43 **(2) has been convicted of a crime; and**
- 44 **(3) has been placed in a department of correction facility**  
 45 **during the previous month.**

46 **(d) The department of correction shall provide the information**  
 47 **required by this section electronically in a format prescribed by the**  
 48 **election division.**

49 SECTION 88. IC 3-7-46-5 IS AMENDED TO READ AS FOLLOWS  
 50 [EFFECTIVE JULY 1, 2003]: Sec. 5. The NVRA official shall notify  
 51 the ~~circuit court clerk or board of county voter~~ registration **office** of

each county where a person on the **report list** resides **for processing under section 8 of this chapter.**

SECTION 89. IC 3-7-46-6 AS AMENDED BY SEA 136-2003, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) Not later than:

- (1) January 31;
- (2) April 30;
- (3) July 31; and
- (4) October 31;

of each year, a county sheriff shall provide the ~~circuit court clerk or board of county voter~~ registration office with a list with report containing the information set forth in subsection (b) **for processing under section 8 of this chapter.**

(b) The list required by subsection (a) must identify each person who:

- (1) is a resident of Indiana;
- (2) has been convicted of a crime; and
- (3) has been placed in a county correctional facility during the previous ~~three (3) month period:~~ **quarter.**

SECTION 90. IC 3-7-46-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. The ~~circuit court clerk or board of county voter~~ registration office shall notify the ~~clerk or board~~ **county voter registration office** of each county where a person on the list resides **that a voter registered in that county has been listed on the report described in section 6 of this chapter.**

SECTION 91. IC 3-7-46-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.5. **If the information provided under section 5 or 6 of this chapter indicates that the person is disfranchised under section 2 of this chapter, the county voter registration office shall:**

- (1) **remove the name of the person from the voter registration records; and**
- (2) **after January 1, 2006, enter the date and other information regarding the cancellation into the computerized list under IC 3-7-26.3;**

**on an expedited basis, as required under 42 U.S.C. 15483.**

SECTION 92. IC 3-7-46-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. **(a) This subsection applies before January 1, 2006.** On the last day of each month, each county voter registration office shall prepare a list of the names and last known addresses of all persons within the county who have been disfranchised. The county voter registration office may secure the list at any time, but not later than the twenty-ninth day before a primary, general, or municipal election.

**(b) This subsection applies after December 31, 2005. Each county voter registration office shall prepare a notice to be mailed to the names and last known addresses of all persons within the county who have been disfranchised.**

SECTION 93. IC 3-7-46-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. **(a) This subsection applies before January 1, 2006.** Not later than thirty (30) days after

preparation of the list under section 8 of this chapter, the circuit court clerk or board of registration shall send a notice to each alleged disfranchised person at the person's last known address using a form prescribed by the commission under this article.

**(b) This subsection applies after December 31, 2005. After preparation of the notice under section 8 of this chapter, the county voter registration office shall mail the notice to the alleged disfranchised person not later than the day following the day that the voter's registration has been canceled under this chapter. The notice must be mailed to each alleged disfranchised person at the person's last known address using a form prescribed by the commission under this article.**

SECTION 94. IC 3-10-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) Each county election board shall furnish the inspector of each precinct, for use on primary election day:

- (1) a copy of the last regularly prepared registration record; or
- (2) in a county with a computerized registration system, a certified copy under IC 3-7-29 of the list of all voters registered to vote in the precinct.

**(b) The circuit court clerk or board of county voter registration office in a county with a computerized voting system may also provide the inspector of each precinct in the county with a certified photocopy of the signature on the affidavit or form of registration of each voter of the precinct for the comparison of signatures under section 24.5 of this chapter.**

**(c) If the name of a person offering to vote at the primary is in the registration record or listed in the certified copy prepared for the precinct, it is sufficient evidence of the person's right to vote unless the person is challenged.**

**(d) This section expires January 1, 2006.**

SECTION 95. IC 3-10-1-7.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7.1. **(a) This section applies after December 31, 2005.**

**(b) Each county election board shall furnish the inspector of each precinct for use on primary election day a certified copy under IC 3-7-29 of the list of all voters registered to vote in the precinct.**

**(c) The county voter registration office may also provide the inspector of each precinct in the county a certified photocopy of the signature on the affidavit or form of registration of each voter of the precinct for the comparison of signatures under section 24.6 of this chapter.**

**(d) If the name of a person offering to vote at the primary is in the registration record or listed in the certified copy prepared for the precinct, it is sufficient evidence of the person's right to vote unless the person is challenged.**

SECTION 96. IC 3-10-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. **(a) This subsection applies before January 1, 2004.** A person who will be a voter at the general election for which the primary is being held and whose name does not appear on the registration record or on the certified copy of the



1 registration record in a county with a computerized registration system  
 2 may vote if the circuit court clerk or board of registration provides a  
 3 signed certificate of error under IC 3-7-48 showing that the person is  
 4 a registered voter of the precinct.

5 **(b) This subsection applies after December 31, 2003. A person**  
 6 **who will be a voter at the general election for which the primary is**  
 7 **being held and whose name does not appear on the registration**  
 8 **record of the precinct or on the certified copy of the registration**  
 9 **record prepared under IC 3-7-29 may:**

10 **(1) vote if the county voter registration office provides a signed**  
 11 **certificate of error; or**

12 **(2) cast a provisional ballot under IC 3-11.7, as provided by 42**  
 13 **U.S.C. 15482.**

14 SECTION 97. IC 3-10-1-10.5 IS ADDED TO THE INDIANA CODE  
 15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 16 1, 2003]: Sec. 10.5. (a) **This section applies after December 31, 2003.**

17 **(b) This section does not apply to a voter who is challenged under**  
 18 **section 10 of this chapter on the basis of party affiliation.**

19 **(c) In accordance with 42 U.S.C. 15482, a voter challenged under**  
 20 **this chapter is entitled to cast a provisional ballot under IC 3-11.7**  
 21 **after executing the affidavit under section 9 of this chapter.**

22 SECTION 98. IC 3-10-1-24, AS AMENDED BY P.L.199-2001,  
 23 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2003]: Sec. 24. (a) A voter who desires to vote must give the  
 25 voter's name and political party to the poll clerks of the precinct on  
 26 primary election day. The poll clerks shall require the voter to write the  
 27 following on the poll list:

28 (1) The voter's name.

29 (2) The voter's current residence address.

30 (3) The name of the voter's party.

31 (b) The poll clerks shall:

32 (1) ask the voter to provide **or update** the voter's voter  
 33 identification number;

34 (2) tell the voter the number the voter may use as a voter  
 35 identification number; and

36 (3) explain to the voter that the voter is not required to provide a  
 37 voter identification number at the polls.

38 (c) If the voter is unable to sign the voter's name, the voter must sign  
 39 the poll list by mark, which must be witnessed by one (1) of the poll  
 40 clerks or assistant poll clerks acting under IC 3-6-6, who shall place the  
 41 poll clerk's or assistant poll clerk's initials after or under the mark.

42 SECTION 99. IC 3-10-1-24.5 IS AMENDED TO READ AS  
 43 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 24.5. (a) This section  
 44 does not apply to a precinct in a county with a computerized  
 45 registration system whose inspector was:

46 (1) furnished with a list certified under IC 3-7-29; and

47 (2) not furnished with a certified photocopy of the signature on the  
 48 affidavit of registration of each voter of the precinct for the  
 49 comparison of signatures under this section.

50 (b) In case of doubt concerning a voter's identity, the precinct  
 51 election board shall compare the voter's signature with the signature on

the affidavit of registration or any certified copy of the signature provided under section 7 of this chapter. If the board determines that the voter's signature is authentic, the voter may then vote.

(c) If either poll clerk doubts the voter's identity following the comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by IC 3-11-8. If the poll clerk does not execute a challenger's affidavit under IC 3-11-8-21 or if the voter executes a challenged voter's affidavit under IC 3-11-8-22, the voter may then vote.

**(d) This section expires January 1, 2006.**

SECTION 100. IC 3-10-1-24.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 24.6. (a) This section applies after December 31, 2005.**

**(b) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under section 7 of this chapter. If the board determines that the voter's signature is authentic, the voter may then vote.**

**(c) If either poll clerk doubts the voter's identity following the comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by IC 3-11-8. If the poll clerk does not execute a challenger's affidavit under IC 3-11-8-21 or if the voter executes a challenged voter's affidavit under IC 3-11-8-22, the voter may then vote.**

SECTION 101. IC 3-10-1-31, AS AMENDED BY SEA 136-2003, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 31. (a) The inspector of each precinct shall deliver the bags required by section 30(a) and 30(c) of this chapter in good condition, together with poll lists, tally sheets, and other forms, to the circuit court clerk when making returns.

(b) Except for unused ballots disposed of under IC 3-11-3-31, the circuit court clerk shall carefully preserve the ballots and other material and keep all seals intact for twenty-two (22) months, as required by 42 U.S.C. 1974, after which they may be destroyed unless:

- (1) an order issued under IC 3-12-6-19 or IC 3-12-11-16; or
- (2) 42 U.S.C. 1973;

requires the continued preservation of the ballots or other material.

**(c) This subsection applies before January 1, 2006.** Upon delivery of the poll lists, the ~~circuit court clerk or board of the county voter registration office~~ may unseal the envelopes containing the poll lists. For the purposes of:

- (1) a cancellation of registration conducted under IC 3-7-43 through IC 3-7-46;
- (2) a transfer of registration conducted under IC 3-7-39, IC 3-7-40, or IC 3-7-42; ~~or~~
- (3) adding the registration of a voter under IC 3-7-48-8; ~~or~~
- (4) recording that a voter subject to IC 3-7-33-4.5 submitted the documentation required under 42 U.S.C. 15843 and IC 3-11-8 or IC 3-11-10;**

the ~~clerk or board~~ **county voter registration office** may inspect the poll lists and update the registration record of the county. The ~~clerk or board~~ **county voter registration office** shall use the poll lists to update the registration record to include the voter's voter identification number if the voter's voter identification number is not already included in the registration record. Upon completion of the inspection, the poll list shall be resealed and preserved with the ballots and other materials for the time period prescribed by subsection (b).

(d) **This subsection applies after December 31, 2005. Upon delivery of the poll lists, the county voter registration office may unseal the envelopes containing the poll lists. For purposes of:**

**(1) a cancellation of registration conducted under IC 3-7-43 through IC 3-7-46; or**

**(2) a transfer of registration conducted under IC 3-7-39, IC 3-7-40, or IC 3-7-42;**

**the county voter registration office may inspect the poll lists and update the registration record of the county. The county voter registration office shall use the poll lists to update the registration record to include the voter's current voter identification number if the voter's voter identification number is not included in the registration record. Upon completion of the inspection, the poll list shall be resealed and preserved with the ballots and other materials for the time period prescribed by subsection (b).**

(e) After the expiration of the period described in subsection (b), the ballots may be destroyed in the manner provided by IC 3-11-3-31 or transferred to a state educational institution as provided by IC 3-12-2-12.

SECTION 102. IC 3-10-7-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 33. **(a)** A town election board shall canvass the votes from a municipal election in the manner prescribed by IC 3-12-4.

**(b) After completion of the canvass, the town election board shall immediately file the poll lists, ballots, tally sheets, and other election forms with the circuit court clerk of the county containing the greatest percentage of population of the town for preservation and voter list maintenance in accordance with IC 3-10-1-31.**

SECTION 103. IC 3-10-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. An affidavit executed under this chapter must contain the following information:

(1) The person's last, first, and middle name, in that order.

(2) The person's birthplace and date of birth.

(3) Whether the person is a United States citizen.

(4) The person's current address, including the county. If the person resides in a municipality, the address must include the street address, including apartment number or other designation, or the name and room number of the hotel or lodging house. If the person does not reside in a municipality, the address must include the mailing address and the street or road.

(5) The address of the person's previous residence, including the county.

(6) The person's statement that the person satisfies the conditions

set forth in section 2 of this chapter.

**(7) After December 31, 2005, the person's voter identification number to permit transfer of the registration under IC 3-7-13-13.**

SECTION 104. IC 3-10-12-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 3.5. After December 31, 2005, the written affirmation described in section 3 of this chapter must include the person's voter identification number to permit transfer of the registration under IC 3-7-13-13.**

SECTION 105. IC 3-11-3-11, AS AMENDED BY P.L.126-2002, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. The county election board shall deliver the following to each inspector or the inspector's representative:

(1) The sealed package of paper ballots, provisional ballots, sample ballots, and any other supplies provided for the inspector's precinct by the election division.

(2) The local sample ballots, the ballot labels, if any, and all poll lists, registration lists, and other supplies considered necessary to conduct the election in the inspector's precinct.

(3) The local ballots printed under the direction of the county election board as follows:

(A) The number of ballots equal to one hundred percent (100%) of the number of voters in the inspector's precinct, according to the poll list.

(B) In those precincts where voting machines, ballot card systems, or electronic voting systems are to be used, the number of paper ballots that will be required for emergency purposes only.

(C) Provisional ballots in the number considered necessary by the county election board.

(4) Twenty (20) ink pens suitable for printing the names of write-in candidates on the ballot or ballot envelope.

**(5) Copies of the voter's bill of rights for posting as required by 42 U.S.C. 15482.**

**(6) Copies of the instructions for a provisional voter required by 42 U.S.C. 15482. The county election board shall provide at least the number of copies of the instructions as the number of provisional ballots provided under subdivision (3).**

SECTION 106. IC 3-11-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. **(a) This subsection applies before January 1, 2006.** Each county election board shall prepare and have delivered to the inspectors of the precincts, at the time they receive the ballots for their precincts, a suitable number of blank poll list sheets and any other forms, papers, certificates, and oaths that are required to be furnished to precinct election boards. The forms and papers must have proper captions. ~~In a~~ **The county having a board of registration, the board of voter registration may office shall** cooperate with the county election board in the preparation of the poll lists.

**(b) This subsection applies after December 31, 2005. Each county**

election board shall prepare and have delivered to the inspectors of the precincts, at the time they receive the ballots for their precincts, a suitable number of voter registration lists certified under IC 3-7-29 and any other forms, papers, certificates, and oaths that are required to be furnished to precinct election boards. The forms and papers must be prepared in compliance with IC 3-5-4-8. The county voter registration office shall cooperate with the county election board in the preparation of the lists certified under IC 3-7-29.

SECTION 107. IC 3-11-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 17. (a) This section does not apply to a county with a computerized registration system that has furnished the inspector of a precinct with certified copies of the list of registered voters prepared under IC 3-7-29.

(b) The county election board shall prepare the poll lists in looseleaf sheet form or book form. The sheets must have adequate space and lines on each side for taking the signatures and addresses of the voters. The sheets may contain the names and addresses of the voters in the respective precincts in alphabetical order, with a space opposite each name for the signature and address of the voter when the voter votes and any other information required by law.

**(c) This section expires January 1, 2006.**

SECTION 108. IC 3-11-3-18, AS AMENDED BY P.L.199-2001, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 18. (a) At the extreme top of a poll list sheet the heading "VOTERS POLL LIST" should appear, followed by the following information:

(1) The type of election.

(2) The date of the election.

**(3) After December 31, 2003, mail in registration requiring additional voter identification.**

**(4) The name of the precinct, township (or ward), and county.**

(b) Following the information required in subsection (a), the following headings should appear from left to right on each sheet:

(1) "Signature of Voter".

(2) "Address of Voter".

(3) "Voter Identification Number (Optional)".

(4) "If any voter shows his or her ballot after being marked, or by accident mutilates or defaces his or her ballot, note it in this column. Also note any other irregularity in this column."

**(c) This section expires January 1, 2006.**

SECTION 109. IC 3-11-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 19. **(a)** After the polls are closed, the looseleaf poll list sheets that have been used in the precinct on election day shall be assembled and fastened together between two (2) manila tag board covers with the two (2) paper fasteners provided for that purpose. The manila tag board covers shall be punched and cut the same size as the poll list sheets.

**(b) This section expires January 1, 2006.**

SECTION 110. IC 3-11-3-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 21. **(a)** The looseleaf

poll list sheets, the book form poll lists, and the covers required by sections 17 and 19 of this chapter are a part of the election supplies.

**(b) This section expires January 1, 2006.**

SECTION 111. IC 3-11-3-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 25. **As required by 42 U.S.C. 15482**, the inspector of each precinct shall post the samples of each of the state and local ballots provided by the county election board under this article in and about the polls. The sample ballots shall be printed on different paper than the genuine ballots.

SECTION 112. IC 3-11-4-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 5.5. In accordance with 42 U.S.C. 1973ff-1(b), the election division is designated as the single office in Indiana responsible for providing information regarding voter registration procedures under IC 3-7 and absentee ballot procedures under this chapter to be used by absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in Indiana.**

SECTION 113. IC 3-11-4-6, AS AMENDED BY P.L.1-2003, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) This section applies, notwithstanding any other provision of this title, to absentee ballot applications for the following:

(1) An absent uniformed services voter.

(2) An address confidentiality program participant (as defined in IC 5-26.5-1-6).

(3) An overseas voter.

(b) A county election board shall make blank absentee ballot applications available for persons covered by this section after November 20 preceding the election to which the application applies. Except as provided in subsection (c), the person may apply for an absentee ballot at any time after the applications are made available.

(c) A person covered by this section may apply for an absentee ballot for the next scheduled primary, general, or special election at any time by filing a standard form approved under 42 U.S.C. 1973ff(b).

(d) If the county election board receives an absentee ballot application from a person described by this section, the circuit court clerk shall mail to the person, free of postage as provided by 39 U.S.C. 3406, all ballots for the election immediately upon receipt of the ballots under sections 13 and 15 of this chapter.

**(e) In accordance with 42 U.S.C. 1973ff-3, whenever a voter files an application for an absentee ballot and indicates on the application that the voter:**

**(1) is an absent uniformed services voter or an overseas voter; and**

**(2) does not expect to be in the county on the next general election day following the date the application is filed and expects to remain absent from the county until at least the date of the second general election following the date the application is filed;**

**the application is an adequate application for an absentee ballot for**

both subsequent general elections and any municipal or special election conducted during that period. The circuit court clerk and county election board shall process this application and send general election absentee ballots to the voter in the same manner as other general election and special election absentee ballot applications and ballots are processed and sent under this chapter.

(f) Whenever a voter described in subsection ~~(a)~~ (a)(2) files an application for a primary election absentee ballot and indicates on the application that

~~(1) the voter is an absent uniformed services voter and does not expect to be in the county on general election day and on the date of any special election conducted during the twelve (12) months following the date of the application;~~

~~(2) the voter is an address confidentiality program participant, or~~

~~(3) the voter is an overseas voter and does not expect to be in the county on general election day and on the date of any special election conducted during the twelve (12) months following the date of the application;~~

the application is an adequate application for a general election absentee ballot under this chapter and an absentee ballot for a special election conducted during the twelve (12) months following the date of the application. The circuit court clerk and county election board shall process this application and send general election and special election absentee ballots to the voter in the same manner as other general election and special election absentee ballot applications and ballots are processed and sent under this chapter.

~~(f)~~ (g) The name, address, telephone number, and any other identifying information relating to a program participant (as defined in IC 5-26.5-1-6) in the address confidentiality program, as contained in a voting registration record, is declared confidential for purposes of IC 5-14-3-4(a)(1). The county voter registration office may not disclose for public inspection or copying a name, an address, a telephone number, or any other information described in this subsection, as contained in a voting registration record, except as follows:

(1) To a law enforcement agency, upon request.

(2) As directed by a court order.

~~(g)~~ (h) The county election board shall by fax transmit an absentee ballot to and receive an absentee ballot from an absent uniformed services voter or an overseas voter at the request of the voter. If the voter wants to submit absentee ballots by fax, the voter must separately sign and date a statement on the cover of the fax transmission that states substantively the following: "I understand that by faxing my voted ballot I am voluntarily waiving my right to a secret ballot."

~~(h)~~ (i) The county election board shall send confirmation to a voter described in subsection ~~(g)~~ (h) that the voter's absentee ballot has been received as follows:

(1) If the voter provides a fax number to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the fax number provided by the voter.

(2) If the voter provides an electronic mail address to which a confirmation may be sent, the county election board shall send the

confirmation to the voter at the electronic mail address provided by the voter.

(3) If:

(A) the voter does not provide a fax number or an electronic mail address; or

**(B) the number or address provided does not permit the board to send the confirmation not later than the end of the first business day after the board receives the voter's absentee ballot;**

the county election board shall send the confirmation by United States mail.

The county election board shall send the confirmation required by this subsection not later than the end of the first business day after the county election board receives the voter's absentee ballot.

SECTION 114. IC 3-11-4-17.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 17.5. (a) Upon receiving an application for an absentee ballot, the county election board shall determine if the applicant is a voter of the precinct in which the applicant resides, according to the records of the county voter registration office. If the applicant is not a voter of the precinct according to the registration record **(or if the application as completed and filed does not otherwise comply with this chapter)**, the county election board shall deny the application.

**(b) This subsection applies after December 31, 2003, to an absentee ballot application submitted by an absent uniformed services voter or an overseas voter. In accordance with 42 U.S.C. 1973ff-1(d), if the application is denied, the county election board shall provide the voter with the reasons for the denial of the application. Unless the voter is present when the board denies the application, the board shall send a written notice stating the reasons for the denial to the voter. The notice must be sent:**

**(1) not later than forty-eight (48) hours after the application is denied; and**

**(2) to the voter at the address at which the voter requested that the absentee ballot be mailed.**

**(c) This subsection applies after December 31, 2003. If the county election board determines that the applicant is a voter of the precinct under subsection (a), the board shall then determine whether:**

**(1) the applicant was required to file any additional documentation under IC 3-7-33-4.5; and**

**(2) the applicant has filed this documentation according to the records of the county voter registration office.**

**If the applicant has not filed the required documentation, the county election board shall approve the application if the application otherwise complies with this chapter. The board shall add a notation to the application and to the record compiled under section 17 of this chapter indicating that the applicant will be required to provide additional documentation to the county voter registration office under IC 3-7-33-4.5 before the absentee ballot may be counted.**



1 (d) If the applicant:

2 (1) is a voter of the precinct according to the registration record;

3 ~~and~~

4 (2) states on the application that the applicant resides at an address  
5 that is within the same precinct but is not the same address shown  
6 on the registration record; **and**

7 **(3) after December 31, 2005, provides a voter identification**  
8 **number on the application to permit transfer of registration**  
9 **under IC 3-7-13-13;**

10 the county election board shall direct the county voter registration  
11 office to transfer the applicant's voter registration address to the  
12 address within the precinct shown on the application. The applicant's  
13 application for an absentee ballot shall be approved if the applicant is  
14 otherwise eligible to receive the ballot under this chapter.

15 SECTION 115. IC 3-11-4-17.7 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 17.7. (a) This section  
17 applies when a voter:

18 (1) has been mailed the official ballot under this chapter; and

19 (2) notifies the county election board that the ballot has been  
20 destroyed, spoiled, lost, or not received by the voter after a  
21 reasonable time has elapsed for delivery of the ballot by mail.

22 (b) **As required under 42 U.S.C. 15481**, the voter may obtain a  
23 replacement official ballot under the procedures set forth in this chapter  
24 after the voter files a statement with the county election board. The  
25 statement must affirm, under penalties of perjury, that the voter did not  
26 receive the official ballot (or that the ballot was received by the voter,  
27 but was destroyed, spoiled, or lost), and must set forth any facts known  
28 by the voter concerning the destruction, spoiling, or loss of the ballot.

29 (c) After a voter files the statement required under subsection (b), the  
30 county election board may issue a replacement official ballot to the  
31 voter in accordance with this chapter and shall include information  
32 regarding the official replacement ballot in the certification provided  
33 to the precinct inspector under section 22 of this chapter.

34 (d) After receiving the official replacement ballot, the voter shall  
35 destroy any spoiled ballot in the possession of the voter or any lost or  
36 delayed official ballot that comes into the possession of the voter.

37 SECTION 116. IC 3-11-4-18, AS AMENDED BY P.L.126-2002,  
38 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2003]: Sec. 18. (a) If a voter satisfies any of the following, the  
40 county election board shall, at the request of the voter, mail the official  
41 ballot, postage fully prepaid, to the voter at the address stated in the  
42 application:

43 (1) The voter will be absent from the county on election day.

44 (2) The voter will be absent from the precinct of the voter's  
45 residence on election day because of service as:

46 (A) a precinct election officer under IC 3-6-6;

47 (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;

48 (C) a challenger or pollbook holder under IC 3-6-7; or

49 (D) a person employed by an election board to administer the  
50 election for which the absentee ballot is requested.

51 (3) The voter will be confined on election day to the voter's

1 residence, to a health care facility, or to a hospital because of an  
2 illness or injury.

3 (4) The voter is a voter with disabilities.

4 (5) The voter is an elderly voter.

5 (6) The voter is prevented from voting due to the voter's care of an  
6 individual confined to a private residence because of illness or  
7 injury.

8 (7) The voter is scheduled to work at the person's regular place of  
9 employment during the entire twelve (12) hours that the polls are  
10 open.

11 (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.

12 **(b) This subsection applies after December 31, 2003. If the county**  
13 **election board mails an absentee ballot to a voter required to file**  
14 **additional documentation with the county voter registration office**  
15 **before voting by absentee ballot under this chapter, the board shall**  
16 **include a notice to the voter in the envelope mailed to the voter**  
17 **under section 20 of this chapter. The notice must inform the voter**  
18 **that the voter must file the additional documentation required**  
19 **under IC 3-7-33-4.5 with the county voter registration office not**  
20 **later than noon on election day for the absentee ballot to be**  
21 **counted. The commission shall prescribe the form of this notice**  
22 **under IC 3-5-4-8.**

23 **(c) The ballot shall be mailed:**

24 (1) on the day of the receipt of the voter's application; or

25 (2) not more than five (5) days after the date of delivery of the  
26 ballots under section 15 of this chapter;

27 whichever is later.

28 ~~(c)~~ **(d)** In addition to the ballot mailed under subsection ~~(b)~~; **(c)**, the  
29 county election board shall mail a special absentee ballot for overseas  
30 voters.

31 ~~(d)~~ **(e)** The ballot described in subsection ~~(c)~~; **(d)**:

32 (1) must be mailed:

33 (A) on the day of the receipt of the voter's application; or

34 (B) not more than five (5) days after the date of delivery of the  
35 ballots under section 13(b) of this chapter;

36 whichever is later; and

37 (2) may not be mailed after the absentee ballots described by  
38 section 13(a) of this chapter have been delivered to the circuit  
39 court clerk or the clerk's authorized deputy.

40 **(f) This subsection applies after December 31, 2005. As required**  
41 **by 42 U.S.C. 15481, an election board must establish a voter**  
42 **education program (specific to a paper ballot or optical scan ballot**  
43 **card provided as an absentee ballot under this chapter) to notify a**  
44 **voter of the effect of casting multiple ballots for a single office.**

45 **(g) This subsection applies after December 31, 2005. As provided**  
46 **by 42 U.S.C. 15481, when an absentee ballot is mailed under this**  
47 **section, the mailing must include:**

48 **(1) information concerning the effect of casting multiple votes**  
49 **for an office; and**

50 **(2) instructions on how to correct the ballot before the ballot is**  
51 **cast and counted, including the issuance of replacement ballots.**

SECTION 117. IC 3-11-4-21, AS AMENDED BY P.L.38-1999, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 21. (a) On the other side of the envelope required by section 20 of this chapter shall be printed an affidavit **in conformity with 42 U.S.C. 1973ff-1(b)**, providing that the voter affirms under penalty of perjury that the following information is true:

(1) The name of the precinct and township (or ward and city or town).

(2) That the voter is:

(A) a resident of; or

(B) entitled under IC 3-10-11 or IC 3-10-12 to vote in; the precinct.

(3) The voter's complete residence address, including the name of the city or town and county.

(4) That the voter is entitled to vote in the precinct, the type of election to be held, and the date of the election.

(5) That:

(A) the voter has personally marked the enclosed ballot or ballots in secret and has enclosed them in this envelope and sealed them without exhibiting them to any other person;

(B) the voter personally marked the enclosed ballot or ballots, enclosed them in this envelope, and sealed them with the assistance of an individual whose name is listed on the envelope and who affirms under penalty of perjury that the voter was not coerced or improperly influenced by the individual assisting the voter or any other person, in a manner prohibited by state or federal law, to cast the ballot for or against any candidate, political party, or public question; or

(C) as the properly authorized attorney in fact for the undersigned under IC 30-5-5-14, the attorney in fact affirms the voter personally marked the enclosed ballot or ballots in secret and enclosed them in this envelope and sealed them without exhibiting them to the attorney in fact or to any other person.

(6) The date and the voter's signature.

(b) If the affidavit is signed by an attorney in fact, the name of the attorney in fact must be indicated.

(c) A guardian or conservator of an individual may not sign an affidavit for the individual under this section unless the guardian or conservator also holds a power of attorney authorizing the guardian or conservator to sign the affidavit.

SECTION 118. IC 3-11-6.5-0.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.3. As used in this chapter, "fund" refers to the election administration assistance fund established by section 2 of this chapter.**

SECTION 119. IC 3-11-6.5-0.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.7. As used in this chapter, "purchase" includes the purchasing, leasing, and lease-purchasing of voting systems.**

SECTION 120. IC 3-11-6.5-1, AS ADDED BY P.L.239-2001,

SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) As used in this section, "department" refers to the Indiana department of administration established by IC 4-13-1-2.

(b) The department shall award quantity purchase agreements to vendors for new voting systems or upgrades or expansion of existing voting systems by counties.

(c) Both of the following must apply before the department may issue a quantity purchase agreement to a voting system vendor:

(1) The commission has found that all of the following would be enhanced by the vendor's new or upgraded voting system:

(A) Reliability of a county's voting system.

(B) Efficiency of a county's voting system.

(C) Ease of use by voters.

(D) Public confidence in a county's voting system.

(2) The commission has otherwise approved the vendor's new voting system or the upgrade or expansion of the existing voting system for use under this title.

(d) The quantity purchase agreement must include options for a county to:

(1) purchase;

(2) lease-purchase; or

(3) lease;

new voting systems or upgrades or expansion of existing voting systems.

**(e) The purchase of new voting systems or upgrades or expansions of existing voting systems by a county or under a quantity purchase agreement entered into by the department under this section is considered an acquisition by the state for purposes of 42 U.S.C. 15401 if the voting system, upgrade, or expansion complies with 42 U.S.C. 15481 through 15502.**

**(f) Not later than December 31, 2005, each county shall purchase at least one (1) voting system under this section for each polling place in the county to meet the requirements set forth under IC 3-11-15-13.**

SECTION 121. IC 3-11-6.5-2, AS ADDED BY P.L.239-2001, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) **In accordance with 42 U.S.C. 15404,** the ~~voting system improvement~~ **election administration assistance** fund is established for the ~~purpose of~~ **following purposes:**

**(1) As provided by 42 U.S.C. 15401, to carry out activities to improve the administration of elections for federal office.**

**(2) As provided by 42 U.S.C. 15401, to use funds provided to the state under Title II, Subtitle D, Part I of HAVA (42 U.S.C. 15401 through 15408) as a reimbursement of costs in obtaining voting equipment that complies with 42 U.S.C. 15481 if the state obtains the equipment after November 7, 2000.**

**(3) As provided by 42 U.S.C. 15401, to use funds provided to the state under Title II, Subtitle D, Part I of HAVA (42 U.S.C. 15401 through 15408) as a reimbursement of costs in obtaining voting equipment that complies with 42 U.S.C. 15481 under a**

**multiyear contract incurred after December 31, 2000.**

**(4) For reimbursing counties for the**

**(1) purchase**

**(2) lease-purchase; or**

**(3) lease;**

of new voting systems or for the upgrade or expansion of existing

voting systems **that would not qualify for reimbursement under**

**subdivision (2) or (3).**

(b) The fund consists of the following:

(1) Money appropriated to the fund by the general assembly, including any money appropriated from the build Indiana fund.

(2) All money allocated to the state by the federal government:

**(A) under Section 101 of HAVA (42 U.S.C. 15301), as required by 42 U.S.C. 15304;**

**(B) under Section 102 of HAVA (42 U.S.C. 15302), as required by 42 U.S.C. 15304;**

**(C) under Title II, Subtitle D, Part I of HAVA (42 U.S.C. 15401 through 15408); and**

**(D) under any other program for the improvement of voting systems: election administration.**

(3) Proceeds of bonds issued by the Indiana bond bank for improvement of voting systems as authorized by law.

The auditor of state shall establish an account within the fund for money appropriated by the general assembly and a separate ~~account~~ **accounts** within the fund for any money received by the state from the federal government **for each source of allocations described under subdivision (2).** Proceeds of bonds issued by the Indiana bond bank under subdivision (3) may be deposited into ~~either any~~ account, as determined by the election division.

(c) ~~The election division~~ **secretary of state with the consent of the co-directors of the election division** shall administer the fund.

(d) The expenses of administering the fund shall be paid from money in the **Section 101 account of the fund. If money is not available for this purpose in the Section 101 account of the fund, the expenses of administering the fund shall be paid from money appropriated under subsection (b)(1).**

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund **and allocated among the accounts within the fund according to the balances of the respective accounts.**

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) Money in the fund is appropriated continuously for the purposes stated in subsection (a).

~~(h) Money in the fund derived from appropriations made by the general assembly or that are the proceeds of bonds issued by the Indiana bond bank may be used only to reimburse counties for the:~~

~~(1) purchase;~~

~~(2) lease-purchase; or~~

(3) lease;  
of new voting systems or upgrades or expansion of existing voting  
systems after June 30, 2001.

(i) Money in the fund derived from money received by the state from  
the federal government may be used for either of the following  
purposes:

(1) To reimburse counties for the:

- (A) purchase;
- (B) lease-purchase; or
- (C) lease;

of new voting systems or upgrades or expansion of existing voting  
systems after June 30, 2001.

(2) To reimburse counties for the purchase of new voting systems  
or upgrades or expansion of existing voting systems after January  
1, 1998, and before July 1, 2001.

SECTION 122. IC 3-11-6.5-3.1 IS ADDED TO THE INDIANA  
CODE AS A NEW SECTION TO READ AS FOLLOWS  
[EFFECTIVE UPON PASSAGE]: **Sec. 3.1. (a) This section applies  
to money received under Title II, Subtitle D, Part I of HAVA (42  
U.S.C. 15401 through 15408) and deposited in the account  
established under section 2 of this chapter for those funds.**

**(b) Except as provided in subsection (c), money deposited in the  
account must be used to comply with the requirements of Title III  
of HAVA (42 U.S.C. 15481 through 15502).**

**(c) As authorized under 42 U.S.C. 15401(b), money deposited in  
the account may be used for other purposes authorized under  
Section 101 of HAVA (42 U.S.C. 15301) if the secretary of state  
with the approval of the co-directors of the election division files  
the certification required by Section 251(b)(2)(B) of HAVA (42  
U.S.C. 15401(b)(2)(A)).**

**(d) If the secretary of state makes the certification described in  
subsection (c), the secretary of state with the approval of the  
co-directors of the election division may transfer amounts that do  
not in total exceed the amount described in Section 251(b)(2)(B)  
from the Title II account of the fund to the Section 101 account of  
the fund.**

**(e) In conformity with Section 254(a)(7) of HAVA (42 U.S.C.  
15404), the state shall maintain expenditures by the state for  
activities funded by the payment of funds described by this section  
at a level that is not less than the level of those expenditures  
maintained by the state for the fiscal year ending June 30, 2000.**

SECTION 123. IC 3-11-6.5-4, AS ADDED BY P.L.239-2001,  
SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
UPON PASSAGE]: **Sec. 4. (a) To receive reimbursement for the  
purchase of voting systems under this chapter, a county must file  
an application with the election division, in the form required by  
the election division. The secretary of state with the consent of the  
co-directors of the election division shall review the application and  
make a recommendation to the budget committee regarding the  
application. If a county filed an application under section 3 of this  
chapter (repealed) not later than January 31, 2003, the application**

1 **may be amended to comply with this chapter or the county may file**  
 2 **a new application under this subsection.**

3 (b) The budget agency, after review by the budget committee, shall  
 4 approve a county's application for reimbursement under this chapter if  
 5 the county's application demonstrates to the budget agency **determines**  
 6 either of the following:

7 (1) ~~That~~ The county **has purchased or will**

- 8 (A) purchase;
- 9 (B) ~~lease-purchase~~; or
- 10 (C) ~~lease~~;

11 a new voting system or an upgrade or expansion of an existing  
 12 voting system ~~from a vendor that has a quantity purchase~~  
 13 ~~agreement awarded under section 4 of this chapter. to comply with~~  
 14 **HAVA that would be eligible for reimbursement under HAVA**  
 15 **and this chapter from any fund account.**

16 (2) The county purchased a new voting system or an upgrade or  
 17 expansion of the county's existing voting system after January 1,  
 18 1998, and before July 1, 2001, **that would not qualify for**  
 19 **reimbursement from federal funds received under HAVA**, and  
 20 the new voting system or upgrade or expansion of the county's  
 21 existing voting system enhanced all of the following:

- 22 (A) Reliability of the county's voting system.
- 23 (B) Efficiency of the county's voting system.
- 24 (C) Ease of use of the county's voting system by voters.
- 25 (D) Public confidence in the county's voting system.

26 SECTION 124. IC 3-11-6.5-5, AS ADDED BY P.L.239-2001,  
 27 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 UPON PASSAGE]: Sec. 5. (a) If a county's application is approved  
 29 under section 4 of this chapter, the **secretary of state with the consent**  
 30 **of the co-directors of the** election division shall, subject to this  
 31 section, reimburse the county from the ~~voting system improvement~~  
 32 fund an amount equal to fifty percent (50%) of the purchase price of a  
 33 new voting system or the upgrade or expansion of an existing voting  
 34 system. If the county has entered into an agreement to lease-purchase  
 35 or lease a new voting system or the upgrade or expansion of an existing  
 36 voting system each year the election division shall reimburse the  
 37 county fifty percent (50%) of the county's lease-purchase or lease  
 38 payments for that year. **be determined by the secretary of state with**  
 39 **the consent of the co-directors of the election division.**

40 (b) Payment of money from the ~~voting system improvement~~ fund is  
 41 subject to the availability of money in the fund and the requirements of  
 42 this chapter **and HAVA.**

43 (c) It is the intent of the general assembly that a county eligible for  
 44 reimbursement under section 4 of this chapter be reimbursed from  
 45 federal money received by the state to the maximum extent permitted  
 46 by federal law.

47 (d) This section expires January 1, 2006.

48 SECTION 125. IC 3-11-6.5-6.1 IS ADDED TO THE INDIANA  
 49 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 50 [EFFECTIVE UPON PASSAGE]: **Sec. 6.1. When approving**  
 51 **applications for reimbursement for voting systems under this**

chapter, the budget agency shall give priority to approving applications to replace a punch card voting system or voting machine system.

SECTION 126. IC 3-11-6.5-7.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.1. (a) This section applies to money received under Section 102 of HAVA (42 U.S.C. 15302) and deposited in the account established under section 2 of this chapter for those funds.

(b) Money deposited in the account must be used for the purposes set forth in Section 102 of HAVA (42 U.S.C. 15302).

(c) As permitted under 42 U.S.C. 15302, a county may apply to receive reimbursement from the fund.

(d) To receive reimbursement or voting systems under this section, a county must file an application with the election division in the form required by the election division. The secretary of state with the consent of the co-directors of the election division shall review the application and make a recommendation to the budget committee regarding the application. If a county filed an application under section 3 of this chapter not later than January 31, 2003, the application may be amended to comply with this chapter or the county may file a new application under this subsection.

(e) The budget agency, after review by the budget committee, shall approve a county's application for reimbursement if the budget agency determines that the county has purchased a voting system to comply with Section 102 of HAVA and is eligible for reimbursement under this section.

(f) The budget agency, after review by the budget committee, shall approve a county's application for disbursement of voting systems to the county if the budget agency determines that the county is entitled to receive voting systems under this section to comply with Section 102 of HAVA.

(g) If a county's application for reimbursement is approved under this section, the secretary of state shall, subject to subsection (j), reimburse the county from the fund in an amount not more than the amount determined by STEP TWO of the following formula:

STEP ONE: Determine the number of precincts in the county that used a voting machine voting system or a punch card voting system at the November 7, 2000, general election.

STEP TWO: Multiply the number determined in STEP ONE by four thousand dollars (\$4,000).

(h) Payment of money from the fund under this section is subject to the availability of money in the fund and the requirements of this chapter and HAVA.

SECTION 127. IC 3-11-6.5-8, AS ADDED BY P.L.239-2001, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) This section applies to money received under Section 101 of HAVA (42 U.S.C. 15301) and deposited in the account established under section 2 of this chapter for those funds.



1       **(b) Money deposited in the account must be used in accordance**  
 2 **with the requirements applicable under Section 101 of HAVA (42**  
 3 **U.S.C. 15301).**

4       **(c) The money may be used with the approval of the co-directors**  
 5 **of the election division for the following purposes:**

6           **(1) By the secretary of state for any purpose authorized by this**  
 7 **title and permitted under 42 U.S.C. 15301.**

8           **(2) To reimburse counties for the purchase of new voting**  
 9 **systems eligible for reimbursement under section 7.1 of this**  
 10 **chapter, to the extent that money received and deposited under**  
 11 **section 7.1 of this chapter is insufficient to replace all voting**  
 12 **machine systems and punch card voting systems in Indiana.**

13           **(3) To reimburse counties for the upgrade or expansion of**  
 14 **existing voting systems to comply with HAVA.**

15       **(d) As permitted under 42 U.S.C. 15301, a county may apply to**  
 16 **receive reimbursement under subsection (c).**

17       **(e) To receive payment for the development and implementation of**  
 18 **a program for educating voters about voting procedures;**  
 19 **reimbursement under this section, a county must make an application**  
 20 **to the budget agency election division in the form required by the**  
 21 **budget agency election division. If the county filed an application**  
 22 **under section 3 of this chapter not later than January 31, 2003:**

23           **(1) the application may be amended to comply with this**  
 24 **chapter; or**

25           **(2) the county may file a new application under this section.**

26 **The secretary of state with the consent of the co-directors of the**  
 27 **election division shall review the application and make a**  
 28 **recommendation to the budget committee regarding the**  
 29 **application.**

30       ~~(b)~~ **(f) The budget agency, after review by the budget committee,**  
 31 **shall approve a county's application for payment reimbursement under**  
 32 **this chapter section if the county's application demonstrates to the**  
 33 **budget agency all of the following:**

34           ~~(1) That the county has developed a program for educating voters~~  
 35 ~~about the use of the county's voting system.~~

36           ~~(2) That the commission has approved the program and the~~  
 37 ~~county's implementation plan for the program.~~

38           ~~(3) That the program will enhance all of the following:~~

39               ~~(A) Familiarity of voters with the county's voting system.~~

40               ~~(B) Accessibility of the county's voting system to voters.~~

41               ~~(C) Ease of use of the county's voting system by voters.~~

42               ~~(D) Public confidence in the county's voting system.~~

43 **determines that the application complies with the requirements for**  
 44 **reimbursement under subsection (c)(2) or (c)(3).**

45       ~~(e)~~ **(g) If a county's application is approved under this section;**  
 46 **subsection (c)(2), the division secretary of state with the consent of**  
 47 **the co-directors of the election division shall, subject to subsection**  
 48 **(d); (i), pay the county from the voting system education fund an**  
 49 **amount equal to fifty percent (50%) of the amount of reasonable**  
 50 **development and implementation costs of the county's program for**  
 51 **educating voters about voting procedures; as determined by the budget**

1 ~~agency~~ not more than the amount determined by STEP TWO of  
 2 the following formula:

3 STEP ONE: Determine the number of precincts in the county  
 4 that used a voting machine voting system or a punch card  
 5 voting system at the November 7, 2000, general election that  
 6 cannot be replaced with funds available under section 7.1 of  
 7 this chapter.

8 STEP TWO: Multiply the number determined in STEP ONE  
 9 by four thousand dollars (\$4,000).

10 (h) If a county's application is approved under subsection (c)(3),  
 11 the secretary of state with the consent of the co-directors of the  
 12 election division shall, subject to subsection (i), pay the county  
 13 from the fund in an amount to be determined by the secretary of  
 14 state with the consent of the co-directors of the election division.

15 ~~(d)~~ (i) Payment of money from the ~~voting system~~ education fund  
 16 under this section is subject to the availability of money in the fund and  
 17 the requirements of this chapter and HAVA.

18 SECTION 128. IC 3-11-8-3.4 IS ADDED TO THE INDIANA CODE  
 19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 20 UPON PASSAGE]: Sec. 3.4. (a) As authorized under 42 U.S.C.  
 21 15421, a county election board may apply on behalf of a county to  
 22 the Secretary of Health and Human Services for payments under  
 23 HAVA (42 U.S.C. 15421 through 15425) to do the following:

24 (1) Make polling places (including the path of travel, entrances,  
 25 exits, and voting areas of each polling place) more accessible to  
 26 individuals with disabilities, including the blind and visually  
 27 impaired, in a manner that provides the same opportunity for  
 28 access and participation (including privacy and independence)  
 29 as other voters.

30 (2) Provide individuals with disabilities and other individuals  
 31 described in subdivision (1) with information about the  
 32 accessibility of polling places, including outreach programs to  
 33 inform the individuals about the availability of accessible  
 34 polling places and training election officials, poll workers, and  
 35 election volunteers on how best to promote the access and  
 36 participation of individuals with disabilities in elections.

37 (b) If a county election board submits an application under  
 38 subsection (a), the application must:

39 (1) comply with 42 U.S.C. 15423; and

40 (2) be filed with the election division not later than the  
 41 submission of the application under subsection (a).

42 (c) If a county election board receives payments from the  
 43 Secretary of Health and Human Services under 42 U.S.C. 15421  
 44 through 15425, the payments shall be deposited in the county  
 45 general fund and appropriated to the county election board for the  
 46 purposes described in the application. The county election board  
 47 shall spend the money for the purposes described in the  
 48 application.

49 (d) As required by 42 U.S.C. 15425, the county election board  
 50 shall file a report with the Secretary of Health and Human Services  
 51 regarding the activities conducted with these funds and the

1 expenditures made with respect to the categories listed in  
 2 subsection (a)(1) and (a)(2). The county election board shall file a  
 3 copy of the report with the election division and the state board of  
 4 accounts not later than the date the report is submitted under this  
 5 subsection.

6 SECTION 129. IC 3-11-8-11 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. (a) When the hour  
 8 for closing the polls occurs, the precinct election board shall permit all  
 9 voters who:

- 10 (1) have passed the challengers and who are waiting to announce
- 11 their names to the poll clerks for the purpose of signing the poll
- 12 list;
- 13 (2) have signed the poll list but who have not voted; or
- 14 (3) are in the act of voting;

15 to vote. In addition, the inspector shall require all voters who have not  
 16 yet passed the challengers to line up in single file within the chute. The  
 17 poll clerks shall record the names of the voters in the chute, and these  
 18 voters may vote unless otherwise prevented according to law.

19 **(b) This subsection applies:**

- 20 **(1) after December 31, 2003; and**
- 21 **(2) if a court order (or other order) has been issued to extend**
- 22 **the hours that the polls are open under section 8 of this**
- 23 **chapter.**

24 **As provided in 42 U.S.C. 15482, the inspector shall identify the**  
 25 **voters who would not otherwise be eligible to vote after the closing**  
 26 **of the polls under subsection (a) and shall provide a provisional**  
 27 **ballot to the voter in accordance with IC 3-11.7.**

28 SECTION 130. IC 3-11-8-15, AS AMENDED BY SEA 136-2003,  
 29 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2003]: Sec. 15. (a) Persons other than:

- 31 (1) members of a precinct election board;
- 32 (2) poll clerks and assistant poll clerks;
- 33 (3) election sheriffs;
- 34 (4) deputy election commissioners;
- 35 (5) pollbook holders;
- 36 ~~(6) challengers;~~
- 37 ~~(7) (6)~~ watchers; and
- 38 ~~(8) (7)~~ minor children accompanying voters as provided under
- 39 IC 3-11-11-8 and IC 3-11-12-29; **and**
- 40 **(8) an assistant to a precinct election officer appointed under**
- 41 **IC 3-6-6-39;**

42 are not permitted in the polls during an election except for the purpose  
 43 of voting.

44 (b) This subsection applies to a simulated election for minors  
 45 conducted with the authorization of the county election board. An  
 46 individual participating in the simulated election may be in the polls for  
 47 the purpose of voting. A person supervising the simulated election may  
 48 be in the polls to perform the supervision.

49 (c) The inspector of a precinct has authority over all simulated  
 50 election activities conducted under subsection (b) and shall ensure that  
 51 the simulated election activities do not interfere with the election

1 conducted in that polling place.

2 SECTION 131. IC 3-11-8-22, AS AMENDED BY P.L.126-2002,  
3 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2003]: Sec. 22. (a) A voter challenged under section 20 of this  
5 chapter may vote if the voter makes an affidavit in writing ~~that the~~  
6 ~~voter is a legal voter of the precinct under section 23 of this chapter~~  
7 and either of the following applies:

8 (1) The voter's name appears on the registration list.

9 (2) The voter does one (1) of the following:

10 (A) Produces a certificate of error issued by a registration official  
11 of the county in accordance with IC 3-7-48 showing that the  
12 voter is registered in the precinct where the voter resides and  
13 offers to vote.

14 (B) Produces an affidavit executed under IC 3-10-10 or  
15 IC 3-10-11 if the voter executed an affidavit under those  
16 provisions.

17 (C) Makes an oral or a written affirmation under IC 3-10-12.

18 (b) After December 31, 2003, a voter challenged under section 20 of  
19 this chapter:

20 (1) whose name does not appear on the registration list; and

21 (2) who is not permitted to cast a vote under IC 3-7-48-1,  
22 IC 3-7-48-5, IC 3-7-48-7, IC 3-10-10, IC 3-10-11-2, or IC 3-10-12;  
23 is entitled to cast a provisional ballot under IC 3-11.7 if the voter  
24 makes an affidavit in writing that the voter is a legal voter of the  
25 precinct.

26 SECTION 132. IC 3-11-8-23, AS AMENDED BY P.L.126-2002,  
27 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2003]: Sec. 23. The affidavit of a challenged voter required by  
29 section 22 of this chapter must be sworn and affirmed and must contain  
30 the following:

31 (1) A statement that the voter is a citizen of the United States.

32 (2) The voter's date of birth to the best of the voter's information  
33 and belief.

34 (3) A statement that the voter has been a resident of the precinct  
35 for thirty (30) days immediately before this election or is qualified  
36 to vote in the precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.

37 (4) The voter's name and a statement that the voter is generally  
38 known by that name.

39 (5) A statement that the voter has not voted and will not vote in any  
40 other precinct in this election.

41 (6) The voter's occupation.

42 (7) The voter's current residential address, including the street or  
43 number and if applicable, the voter's residential address thirty (30)  
44 days before the election, and the date the voter moved.

45 (8) A statement that the voter understands that making a false  
46 statement on the affidavit is punishable under the penalties of  
47 perjury.

48 (9) After December 31, 2003, if the individual's name does not  
49 appear on the registration list and the individual is not entitled to  
50 vote under IC 3-7-48-1, IC 3-7-48-5, IC 3-7-48-7, IC 3-10-10,  
51 IC 3-10-11-2, or IC 3-10-12, a statement that the individual

registered to vote and where the individual believes the individual  
registered to vote **during the registration period described by:**

**(A) IC 3-7-13-10; or**

**(B) IC 3-7-36-11, if the voter registered under that section.**

SECTION 133. IC 3-11-8-23.5 IS ADDED TO THE INDIANA  
CODE AS A NEW SECTION TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2003]: **Sec. 23.5. (a) This section applies after  
December 31, 2003.**

**(b) In accordance with 42 U.S.C. 15482, a voter challenged under  
section 21 of this chapter is entitled to cast a provisional ballot  
under IC 3-11.7 after executing the affidavit under section 23 of  
this chapter.**

SECTION 134. IC 3-11-8-25, AS AMENDED BY P.L.199-2001,  
SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2003]: Sec. 25. (a) After a voter has passed the challengers or  
has been sworn in, the voter shall be admitted to the polls. Upon  
entering the polls, the voter shall announce the voter's name to the poll  
clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a  
member of the precinct election board shall require the voter to write  
the following on the poll list:

(1) The voter's name.

(2) The voter's current residence address.

(b) The poll clerk, an assistant poll clerk, or a member of the precinct  
election board shall:

(1) ask the voter to provide the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter  
identification number; and

(3) explain to the voter that the voter is not required to provide a  
voter identification number at the polls.

**(c) This subsection applies after December 31, 2003. The poll  
clerk or assistant poll clerk shall examine the list provided under  
IC 3-7-29-1 or IC 3-11-3-18 to determine if the county election  
board has indicated that the voter is required to provide additional  
personal identification under 42 U.S.C. 15483 and IC 3-7-33-4.5  
before voting in person. If the list (or a certification concerning  
absentee voters under IC 3-11-10-12) indicates that the voter is  
required to present this identification before voting in person, the  
poll clerk shall advise the voter that the voter must present a piece  
of identification described in subsection (d) to the poll clerk.**

**(d) This subsection applies after December 31, 2003. As required  
by 42 U.S.C. 15483, a voter described by IC 3-7-33-4.5 who has not  
complied with IC 3-7-33-4.5 before appearing at the polls on  
election day must present one (1) of the following documents to the  
poll clerk:**

**(1) a current and valid photo identification; or**

**(2) a current utility bill, bank statement, government check,  
paycheck, or government document that shows the name and  
address of the voter.**

**(e) This subsection applies after December 31, 2003. If a voter  
presents a document under subsection (d), the poll clerk shall add  
a notation to the list indicating the type of document presented by**

the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

(f) This subsection applies after December 31, 2003. If a voter required to present documentation under subsection (d) is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11.7-2.

(g) This subsection applies after December 31, 2003. The precinct election board shall advise the voter that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11.7.

(h) This subsection does not apply to a precinct in a county with a computerized registration system whose inspector was:

- (1) furnished with a list certified under IC 3-7-29; and
- (2) not furnished with a certified photocopy of the signature on the affidavit of registration of each voter of the precinct for the comparison of signatures under this section.

In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

~~(d)~~ (i) If, in a precinct governed by subsection ~~(c)~~: (h):

- (1) the poll clerk does not execute a challenger's affidavit; or
- (2) the voter executes a challenged voter's affidavit under section 22 of this chapter or had executed the affidavit before signing the poll list;

the voter may then vote.

(j) This section expires January 1, 2006.

SECTION 135. IC 3-11-8-25.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 25.1. (a) This section applies after December 31, 2005.**

(b) After a voter has passed the challengers or has been sworn in, the voter shall be admitted to the polls. Upon entering the polls, the voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

- (1) The voter's name.
- (2) The voter's current residence address.

(c) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

- (1) ask the voter to provide or update the voter's voter identification number;
- (2) tell the voter the number the voter may use as a voter

identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(d) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(e) If, in a precinct governed by subsection (c):

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

SECTION 136. IC 3-11-8-25.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 25.5. If an individual signs the individual's name and address on the poll list under section 25 of this chapter and then leaves the polls without casting a ballot **or after casting a provisional ballot**, the voter may not be permitted to reenter the polls to cast a ballot at the election.

SECTION 137. IC 3-11-8-26, AS AMENDED BY P.L.199-2001, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 26. (a) If a voter:

(1) cannot sign; or

(2) is a voter with a disability that makes it difficult for the voter to sign;

the voter's name and address, the poll clerks shall, by proper interrogation, satisfy themselves that the voter is the person the voter represents the voter to be.

(b) If satisfied as to the voter's identity under subsection (a), one (1) of the poll clerks shall then place the following on the poll list:

(1) The voter's name.

(2) The voter's current residence address.

(c) The poll clerks shall:

(1) ask the voter to provide the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

(d) The poll clerk shall then add the clerk's initials in parentheses, after or under the signature. The voter then may vote.

**(e) This section expires January 1, 2006.**

SECTION 138. IC 3-11-8-26.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 26.1. (a) This section applies after December 31, 2005.**

**(b) If a voter:**

**(1) cannot sign; or**

(2) is a voter with a disability that makes it difficult for the voter to sign;

the voter's name and address, the poll clerks shall, by proper interrogation, satisfy themselves that the voter is the person the voter represents the voter to be.

(c) If satisfied as to the voter's identity under subsection (b), one (1) of the poll clerks shall then place the following on the poll list:

(1) The voter's name.

(2) The voter's current residence address.

(d) The poll clerks shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(e) The poll clerk shall then add the clerk's initials in parentheses, after or under the signature. The voter then may vote.

SECTION 139. IC 3-11-8-27.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION [EFFECTIVE JANUARY 1, 2004]: Sec. 27.5. (a) This section applies after December 31, 2003.

(b) In accordance with 42 U.S.C. 15482, a voter challenged under section 27 of this chapter is entitled to cast a provisional ballot under IC 3-11.7 after executing the affidavit under section 23 of this chapter.

SECTION 140. IC 3-11-10-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4.5. (a) This section applies after December 31, 2003.

(b) Upon receipt of an absentee ballot from a voter required to provide additional information to the county voter registration office under IC 3-7-33-4.5, the county election board shall contact the county voter registration office to determine if the additional information has been filed with the office by the voter.

(c) If the voter has filed the information with the county voter registration office, the county election board shall add a notation to the application indicating that the required information has been filed and that the absentee ballot may be counted if the ballot otherwise complies with this article.

(d) If the voter has not filed the information with the county voter registration office, the county election board shall add a notation on the application filed by a voter described under subsection (c) and on the envelope provided under this chapter reading substantially as follows:

"INSPECTOR: AS OF (insert date absentee ballot application approved) THIS VOTER WAS REQUIRED TO FILE ADDITIONAL DOCUMENTATION WITH THE COUNTY VOTER REGISTRATION OFFICE BEFORE THIS BALLOT MAY BE COUNTED. CHECK THE POLL LIST AND COUNTY ELECTION BOARD CERTIFICATION TO SEE IF THE VOTER HAS FILED THIS INFORMATION. IF



**NOT, PROCESS AS A PROVISIONAL BALLOT IF THIS  
BALLOT OTHERWISE COMPLIES WITH INDIANA  
LAW."**

SECTION 141. IC 3-11-10-11 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. **(a)** On election day  
each circuit court clerk (or an agent of the clerk) shall visit the  
appropriate post office to accept delivery of absentee envelopes at the  
latest possible time that will permit delivery of the ballots to the  
appropriate precinct election boards before 6 p.m.

**(b) This subsection applies after December 31, 2003. Not later  
than noon on election day, the county voter registration office shall  
visit the appropriate post office to accept delivery of mail  
containing documentation submitted by a voter to comply with  
IC 3-7-33-4.5. The office shall immediately notify the county  
election board regarding the filing of this documentation to permit  
the board to provide certification of this filing to the appropriate  
precinct election boards before 6 p.m.**

SECTION 142. IC 3-11-10-12 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) Each county  
election board shall have all absentee ballots delivered to the precinct  
election boards at their respective polls on election day.

**(b) The absentee ballots shall be delivered during the hours that the  
polls are open and in sufficient time to enable the precinct election  
boards to vote the ballots during the time the polls are open.**

**(c) This subsection applies after December 31, 2003. Along with  
the absentee ballots delivered to the precinct election boards under  
subsection (a), each county election board shall provide a list  
certified by the circuit court clerk. This list must state the name of  
each voter subject to IC 3-7-33-4.5 who:**

**(1) filed the documentation required by IC 3-7-33-4.5 with the  
county voter registration office after the printing of the  
certified list under IC 3-7-29 or the poll list under  
IC 3-11-3-18; and**

**(2) as a result, is entitled to have the voter's absentee ballot  
counted if the ballot otherwise complies with this title.**

**(d) This subsection applies after December 31, 2003. If the county  
election board is notified not later than 3 p.m. on election day by  
the county voter registration office that a voter subject to  
IC 3-7-33-4.5 and not identified in the list certified under  
subsection (c) has filed documentation with the office that complies  
with IC 3-7-33-4.5, the county election board shall transmit a  
supplemental certified list to the appropriate precinct election  
board. If the board determines that the supplemental list may not  
be received before the closing of the polls, the board shall:**

**(1) attempt to contact the precinct election board to inform the  
board regarding the content of the supplemental list; and**

**(2) file a copy of the supplemental list for that precinct as part  
of the permanent records of the board.**

**(e) This subsection applies to a special write-in absentee ballot  
described in:**

**(1) 42 U.S.C. 1973ff for federal offices; and**

(2) IC 3-11-4-12(d) for state offices.

If the county election board receives both a special write-in absentee ballot and the regular absentee ballot described by IC 3-11-4-12 from the same voter, the county election board shall reject the special write-in ballot and deliver only the regular absentee ballot to the precinct election board.

SECTION 143. IC 3-11-10-16, AS AMENDED BY P.L.126-2002, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. (a) If the inspector finds under section 15 of this chapter that:

- (1) the affidavit is properly executed;
- (2) the signatures correspond;
- (3) the absentee voter is a qualified voter of the precinct;
- (4) the absentee voter is registered **and after December 31, 2003, is not required to file additional information with the county voter registration office under IC 3-7-33-4.5;**
- (5) the absentee voter has not voted in person at the election; and
- (6) in case of a primary election, if the absentee voter has not previously voted, the absentee voter has executed the proper declaration relative to age and qualifications and the political party with which the absentee voter intends to affiliate;

then the inspector shall open the envelope containing the absentee ballots so as not to deface or destroy the affidavit and take out each ballot enclosed without unfolding or permitting a ballot to be unfolded or examined.

(b) The inspector shall then hand the ballots to the judges who shall deposit the ballots in the proper ballot box and enter the absentee voter's name on the poll list, as if the absentee voter had been present and voted in person. If the voter has registered and voted under IC 3-7-36-14, the inspector shall attach to the poll list the circuit court clerk's certification that the voter has registered.

(c) If an absentee ballot is opened under this section in a precinct using voting machines, the precinct election board shall prepare certificates and memoranda under IC 3-12-2-6 that distinguish the votes cast by absentee ballots from votes cast on voting machines.

SECTION 144. IC 3-11-10-16.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 16.5. (a) This section applies after December 31, 2003.**

**(b) If the inspector finds under section 16(a) of this chapter that the voter has not filed the additional information required to be filed with the county voter registration office under IC 3-7-33-4.5, but that all of the other findings listed under section 16(a) of this chapter apply, the inspector shall direct that the absentee ballot be processed as a provisional ballot under IC 3-11.7.**

SECTION 145. IC 3-11-10-24.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 24.5. (a) This section applies after December 31, 2005.**

**(b) As required by 42 U.S.C. 15481, an election board must establish a voter education program (specific to a paper ballot or**

**optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple ballots for a single office.**

SECTION 146. IC 3-11-10-25, AS AMENDED BY P.L.126-2002, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 25. (a) A voter who votes by absentee ballot because of:

(1) illness or injury; or

(2) caring for a confined person at a private residence;

and who is within the county on election day may vote before an absentee voter board or by mail.

(b) If requested by a voter described in subsection (a) or by a voter with disabilities whose precinct is not accessible to voters with disabilities, an absentee voter board shall visit the voter's place of confinement, the residence of the voter with disabilities, or the private residence:

(1) during the regular office hours of the circuit court clerk;

(2) at a time agreed to by the board and the voter;

(3) on any of the twelve (12) days immediately before election day; and

(4) only once before an election, unless:

(A) the confined voter is unavailable at the time of the board's first visit due to a medical emergency; or

(B) the board, in its discretion, decides to make an additional visit.

(c) This subsection applies to a voter confined due to illness or injury. An absentee voter board may not be denied access to the voter's place of confinement if the board is present at the place of confinement at a time:

(1) agreed to by the board and the voter; and

(2) during the regular office hours of the circuit court clerk. A person who knowingly violates this subsection commits obstruction or interference with an election officer in the discharge of the officer's duty, a violation of IC 3-14-3-4.

(d) The county election board, by unanimous vote of the board's entire membership, may authorize an absentee voter board to visit a voter who is confined due to illness or injury and will be outside of the county on election day in accordance with the procedures set forth in subsection (b).

**(e) This subsection applies after December 31, 2005. As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:**

**(1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;**

**(2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and**

**(3) notified before the ballot is cast regarding the effect of**

1        casting multiple votes for the office and provided an  
 2        opportunity to correct the ballot before the ballot is cast and  
 3        counted.

4        **(f) This subsection applies after December 31, 2005. As provided**  
 5        **by 42 U.S.C. 15481, when an absentee ballot is provided under this**  
 6        **section, the board must also provide the voter with:**

7            (1) information concerning the effect of casting multiple votes  
 8            for an office; and

9            (2) instructions on how to correct the ballot before the ballot is  
 10          cast and counted, including the issuance of replacement ballots.

11        SECTION 147. IC 3-11-10-26, AS AMENDED BY P.L.126-2002,  
 12        SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13        JULY 1, 2003]: Sec. 26. (a) As an alternative to voting by mail, a voter  
 14        is entitled to cast an absentee ballot before an absentee voter board:

15            (1) in the office of the circuit court clerk; or

16            (2) at a satellite office established under section 26.3 of this  
 17            chapter.

18        (b) The voter must sign an application on the form prescribed by the  
 19        commission under IC 3-11-4-5.1 before being permitted to vote. The  
 20        application must be received by the circuit court clerk not later than the  
 21        time prescribed by IC 3-11-4-3.

22        (c) The voter may vote before the board not more than twenty-nine  
 23        (29) days nor later than noon on the day before election day.

24        (d) The absentee voter board in the office of the circuit court clerk  
 25        must permit voters to cast absentee ballots under this section for at  
 26        least seven (7) hours on each of the two (2) Saturdays preceding  
 27        election day.

28        (e) Notwithstanding subsection (d), in a county with a population of  
 29        less than twenty thousand (20,000), the absentee voter board in the  
 30        office of the circuit court clerk, with the approval of the county election  
 31        board, may reduce the number of hours available to cast absentee  
 32        ballots under this section to a minimum of four (4) hours on each of the  
 33        two (2) Saturdays preceding election day.

34        **(f) This subsection applies after December 31, 2005. As provided**  
 35        **by 42 U.S.C. 15481, a voter casting an absentee ballot under this**  
 36        **section must be:**

37            (1) permitted to verify in a private and independent manner  
 38            the votes selected by the voter before the ballot is cast and  
 39            counted;

40            (2) provided with the opportunity to change the ballot or  
 41            correct any error in a private and independent manner before  
 42            the ballot is cast and counted, including the opportunity to  
 43            receive a replacement ballot if the voter is otherwise unable to  
 44            change or correct the ballot; and

45            (3) notified before the ballot is cast regarding the effect of  
 46            casting multiple votes for the office and provided an  
 47            opportunity to correct the ballot before the ballot is cast and  
 48            counted.

49        **(g) As provided by 42 U.S.C. 15481, when an absentee ballot is**  
 50        **provided under this section, the board must also provide the voter**  
 51        **with:**

1           **(1) information concerning the effect of casting multiple votes**  
 2           **for an office; and**

3           **(2) instructions on how to correct the ballot before the ballot is**  
 4           **cast and counted, including the issuance of replacement ballots.**

5           SECTION 148. IC 3-11-10-28 IS AMENDED TO READ AS  
 6           FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 28. **(a)** A voter voting  
 7           before an absentee voter board shall mark the voter's ballot in the  
 8           presence of the board, but not in such a manner that either of the  
 9           members of the board can see for whom the voter voted, unless the  
 10          voter requests the help of the board in marking a ballot under  
 11          IC 3-11-9.

12          **(b)** The voter shall then, in the presence of the board, place the ballot  
 13          in an envelope furnished by the county election board.

14          **(c)** The circuit court clerk shall provide, to the extent practicable, the  
 15          same degree of privacy to absentee voters voting at the office of the  
 16          circuit court clerk as provided to voters at the polls on election day.

17          **(d) This subsection applies to a voter required to present**  
 18          **additional information under IC 3-7-33-4.5. If the voter does not**  
 19          **present the required additional information before receiving the**  
 20          **absentee ballot, the absentee ballot shall be processed as a**  
 21          **provisional ballot under IC 3-11.7.**

22          **(e) Upon accepting the completed absentee ballot from the voter,**  
 23          **the board shall provide the voter with a notice:**

24               **(1) listing the documentation the voter may submit to the**  
 25               **county voter registration office to comply with IC 3-7-33-4.5;**  
 26               **and**

27               **(2) stating the address and hours of the county voter**  
 28               **registration office.**

29          SECTION 149. IC 3-11-10-35 IS AMENDED TO READ AS  
 30          FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 35. **(a) After**  
 31          **December 31, 2003, this section does not apply to an absentee ballot**  
 32          **required to be treated as a provisional ballot under IC 3-11.7.**

33          **(b)** If an envelope containing an absentee ballot has not been opened  
 34          before the close of the polls, then the envelope may not be opened  
 35          without an order of a court.

36          SECTION 150. IC 3-11-11-1.2 IS ADDED TO THE INDIANA  
 37          CODE AS A NEW SECTION TO READ AS FOLLOWS  
 38          [EFFECTIVE JULY 1, 2003]: Sec. 1.2. **(a) This section applies after**  
 39          **December 31, 2005.**

40          **(b) As required by 42 U.S.C. 15481, an election board must**  
 41          **establish a voter education program to notify a voter of the effect**  
 42          **of casting multiple ballots for a single office on a paper ballot.**

43          SECTION 151. IC 3-11-11-6 IS AMENDED TO READ AS  
 44          FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. **(a)** After a voter has  
 45          signed the poll list, one (1) of the poll clerks or assistant poll clerks  
 46          shall deliver to the voter one (1) of each ballot that the voter is entitled  
 47          to vote at the election and one (1) pencil or pen. Both judges, on  
 48          request, shall give an explanation of the voting method. If necessary,  
 49          a precinct election officer shall assist a voter in determining if the  
 50          proper initials appear on a ballot.

51          **(b) This subsection applies after December 31, 2005. As provided**

by 42 U.S.C. 15481, when a voter receives a paper ballot under this section, the board must also provide the voter with:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

SECTION 152. IC 3-11-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) **This section is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on a paper ballot.**

(b) After receiving ballots under section 6 of this chapter, a voter shall, without leaving the room, go alone into one (1) of the booths or compartments that is unoccupied and indicate:

(1) the candidates for whom the voter desires to vote by making a voting mark on or in the squares immediately before the candidates' names; and

(2) the voter's preference on each public question by making a voting mark in front of the word "yes" or "no" under the question.

~~(b)~~ (c) Write-in votes shall be cast by:

(1) making a voting mark on or in the square immediately before the space provided for write-in voting; and

(2) printing the name of the candidate in the space provided for write-in voting.

SECTION 153. IC 3-11-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. (a) A voter shall mark all ballots while screened from observation. The exterior of a voting booth or compartment and each area of the polls must be in plain view of the precinct election board. Each voting booth or compartment shall be placed so that a person voting on the opposite side of the railing or a person on the outside of the polls cannot see or determine how a voter votes. The inspector, judges, and poll clerks may not remain or allow any other person to remain in a position or near a position that would permit them to see or ascertain how a voter votes.

(b) **This subsection applies after December 31, 2005. As provided by 42 U.S.C. 15481, a voter casting a paper ballot under this section must be:**

(1) permitted to verify in a private and an independent manner the votes selected by the voter before the ballot is cast and counted;

(2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

SECTION 154. IC 3-11-12-40 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2003]: **Sec. 40. This chapter expires January 1, 2006.**

SECTION 155. IC 3-11-13-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 4.5. (a) This section applies after December 31, 2005.**

**(b) As required by 42 U.S.C. 15481, an election board must establish a voter education program to notify a voter of the effect of casting multiple ballots for a single office on an optical scan ballot card tabulated at a central location.**

SECTION 156. IC 3-11-13-18, AS AMENDED BY P.L.239-2001, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 18. (a) This subsection does not apply to an optical scan voting system and expires January 1, 2006.** Each ballot card provided under section 17 of this chapter must have two (2) attached perforated stubs on which is printed the same serial number. The top stub shall be bound or stapled in the package of ballot cards retained by the precinct election officers. The following information must be printed on the second stub:

- (1) The name of the political subdivision holding the election.
- (2) The designation of the election.
- (3) The date of the election.
- (4) The instructions to the voters.
- (5) In a primary election, the name of the political party.

**(b) The county election board in a county using a ballot card voting system shall provide ballot cards to the precinct election board that permit voters to cast write-in votes for each officer to be voted for at that election.**

**(c) The ballot cards provided under subsection (b) must be:**

- (1) designed to be folded; or
- (2) accompanied by a secrecy envelope;

to ensure the secrecy of each of the votes cast by a voter.

**(d) This subsection is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an optical scan voting system.** A write-in vote shall be cast by printing the name of the candidate and the title of the office in the space provided for write-in votes on a ballot card or secrecy envelope.

SECTION 157. IC 3-11-13-20, AS AMENDED BY P.L.239-2001, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 20. (a) This section does not apply to an optical scan voting system.**

**(b) Each county election board shall maintain a record of the serial numbers of all of the ballot cards provided to a precinct and shall note in this record the precinct to which each ballot card relates.**

**(c) This section expires January 1, 2006.**

SECTION 158. IC 3-11-13-28.5, AS AMENDED BY P.L.239-2001, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 28.5. (a) Unless challenged, a voter may proceed to vote.**

**(b) This subsection does not apply to an optical scan voting system.**

After a voter has signed the poll list, the poll clerk holding the ballot card shall remove the top stub, as described in section 18 of this chapter, and deliver to the voter one (1) of each ballot card that the voter is entitled to vote at the election. The top stub (and any second stub declined by the voter under section 33 of this chapter) shall be retained by the precinct election board and returned to the election board following the close of the polls.

(c) As each successive voter calls for a ballot, the poll clerks shall deliver to the voter the first initialed ballot of each type. The inspector shall then deliver to the poll clerks another ballot of each type, which the clerks shall initial as before.

**(d) This subsection applies after December 31, 2005, to an optical scan ballot card ballot tabulated at a central location. As provided by 42 U.S.C. 15481, when a voter receives an optical scan ballot card ballot, the board must also provide the voter with:**

**(1) information concerning the effect of casting multiple votes for an office; and**

**(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.**

SECTION 159. IC 3-11-13-28.7, AS AMENDED BY P.L.176-1999, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 28.7. (a) The two (2) poll clerks of each precinct shall place their initials in ink on the secrecy envelope of a ballot card (or on the fold-over part of a ballot card described in section 18(c)(1) of this chapter) at the time the card is issued to a voter. The initials must be in the poll clerk's ordinary handwriting or printing and without a distinguishing mark of any kind.

**(b) This subsection is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an optical scan voting system.** A write-in vote cast on a secrecy envelope or fold-over envelope:

(1) is not valid unless:

(A) the secrecy envelope is initialed by both poll clerks; and

(B) the vote includes both the name of the write-in candidate and the office for which the write-in vote is cast; and

(2) makes the secrecy envelope or fold-over envelope a ballot for purposes of this title.

SECTION 160. IC 3-11-13-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 29. (a) In addition to the instructions printed on the ballot card or ballot labels, instructions to voters shall be posted in each voting booth or placed on the marking device. Each voter shall be instructed by both judges, on request, on how to operate the voting device before the voter enters the voting booth.

(b) The instructions posted in the voting booth or placed on the marking device must state the following:

(1) That the voter should examine the ballot card to determine if it contains the initials of the poll clerks in ink on the back of the card.

(2) That the voter should not make an unnecessary mark or punch on the ballot card because the mark or punch may void the card.

(3) That the voter should examine the ballot card to determine if



the card has any mark (other than the initials of the poll clerks) before voting.

(4) That the voter should return the ballot card to the poll clerks and request another ballot card if:

(A) the poll clerks' initials have not been properly placed on the card;

(B) the card has a mark (other than the initials of the poll clerks) before the voter places a voting mark on the ballot; or

(C) the voter has improperly marked or punched the card.

(5) That the voter should examine the ballot card after voting to determine that all marks or punches made on the card to indicate the voter's selections have been completely marked or punched.

**(c) This subsection applies after December 31, 2005. As provided by 42 U.S.C. 15481, a voter casting an optical scan ballot card under this section must be:**

**(1) permitted to verify in a private and an independent manner the votes selected by the voter before the ballot is cast and counted;**

**(2) provided the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and**

**(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.**

SECTION 161. IC 3-11-13-31.7, AS AMENDED BY P.L.176-1999, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 31.7. (a) **This section is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an optical scan voting system.**

**(b)** After receiving ballot cards, a voter shall, without leaving the room, go alone into one (1) of the booths or compartments that is unoccupied and indicate:

(1) the candidates for whom the voter desires to vote by punching a hole in or marking the squares immediately beside the candidates' names; and

(2) the voter's preference on each public question by punching a hole in or marking the square beside the word "yes" or "no" under the question.

~~(b)~~ **(c)** If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or group of petitioners, the voter may punch a hole in or mark the circle enclosing the device and beside the name under which the candidates of the party or group of petitioners are printed. The voter's vote shall then be counted for all the candidates under that name. However, if the voter punches a hole in or marks the circle of an independent ticket comprised of two (2) candidates, the vote shall not be counted for any other independent candidate on the ballot.

SECTION 162. IC 3-11-14-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 23. (a) **This section is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an electronic voting system.**

(b) If a voter is not challenged by a member of the precinct election board, the voter may pass the railing to the side where an electronic voting system is and into the voting booth. There the voter shall register the voter's vote in secret by indicating:

(1) the candidates for whom the voter desires to vote by touching a device on or in the squares immediately above the candidates' names;

(2) if the voter intends to cast a write-in vote, a write-in vote by touching a device on or in the square immediately below the candidates' names and printing the name of the candidate in the window provided for write-in voting; and

(3) the voter's preference on each public question by touching a device above the word "yes" or "no" under the question.

~~(b)~~ (c) If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or group of petitioners, the voter may cast a straight party ticket by touching that party's device. The voter's vote shall then be counted for all the candidates under that name. However, if the voter casts a vote by touching the circle of an independent ticket comprised of two (2) candidates, the vote shall not be counted for any other independent candidate on the ballot.

(d) **As provided by 42 U.S.C. 15481, a voter casting a ballot on an electronic voting system must be:**

**(1) permitted to verify in a private and an independent manner the votes selected by the voter before the ballot is cast and counted;**

**(2) provided the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and**

**(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.**

SECTION 163. IC 3-11-15-13, AS AMENDED BY SEA 477-2003, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: (a) To be approved **by the commission** for use in Indiana, a voting system shall meet the following standards:

(1) After December 31, 2005, the voting method used in each polling place must include a voting system that is accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters. A county complies with the standards described in this subdivision if each polling place in the

1 county has at least one (1) voting system equipped for individuals  
 2 with disabilities that complies with the standards described in this  
 3 subdivision.

4 (2) A voting system must meet the Voting System Standards  
 5 approved by the Federal Election Commission on April 30, 2002.

6 (b) The commission may adopt rules under IC 4-22-2 to require a  
 7 voting system to meet standards more recent than standards described  
 8 in subsection (a)(2). If the commission adopts rules under this  
 9 subsection, a voting system must meet the standards described in the  
 10 rules instead of the standards described in subsection (a)(2).

11 **(c) This section expires January 1, 2006.**

12 SECTION 164. IC 3-11-15-13.3 IS ADDED TO THE INDIANA  
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 14 [EFFECTIVE JULY 1, 2003]: **Sec. 13.3. (a) This section applies after**  
 15 **December 31, 2005.**

16 **(b) To be approved by the commission for use in Indiana, a**  
 17 **voting system must meet the Voting System Standards adopted by**  
 18 **the Federal Election Commission on April 30, 2002.**

19 **(c) The commission may adopt rules under IC 4-22-2 to require**  
 20 **a voting system to meet standards more recent than standards**  
 21 **described in subsection (b). If the commission adopts rules under**  
 22 **this subsection, a voting system must meet the standards described**  
 23 **in the rules instead of the standards described in subsection (b).**

24 **(d) As provided by 42 U.S.C. 15481, to be used in an election in**  
 25 **Indiana, a voting system must be accessible for individuals with**  
 26 **disabilities, including nonvisual accessibility for the blind and**  
 27 **visually impaired, in a manner that provides the same opportunity**  
 28 **for access and participation (including privacy and independence)**  
 29 **as for other voters.**

30 **(e) As provided by 42 U.S.C. 15481, an election board conducting**  
 31 **an election satisfies the requirements of subsection (d) if the**  
 32 **election board provides at least one (1) electronic voting system or**  
 33 **other voting system equipped for individuals with disabilities at**  
 34 **each polling place.**

35 SECTION 165. IC 3-11-15-13.5 IS ADDED TO THE INDIANA  
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 37 [EFFECTIVE JULY 1, 2003]: **Sec. 13.5. (a) This section applies only**  
 38 **to a voting system purchased with funds made available under**  
 39 **Title II of HAVA (42 U.S.C. 15321 through 15472) after December**  
 40 **31, 2006.**

41 **(b) As required by 42 U.S.C. 15481, the voting system must**  
 42 **comply with the Voting System Standards for disability access set**  
 43 **forth in section 13.1 of this chapter and 42 U.S.C. 15481(a)(3) to be**  
 44 **used in an election.**

45 SECTION 166. IC 3-11-15-20 IS AMENDED TO READ AS  
 46 FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 20. (a) A voting system**  
 47 **must be able to record accurately each vote and be able to produce an**  
 48 **accurate report of all votes cast.**

49 **(b) As used in this subsection, "error rate" refers to the error**  
 50 **rate of the voting system in counting ballots (determined by taking**  
 51 **into account only those errors that are attributable to the voting**

1 system and not attributable to an act of the voter). As required by  
 2 42 U.S.C. 15481, a voting system must comply with the error rate  
 3 standards established under section 3.2.1. of the Voting System  
 4 Standards approved by the Federal Election Commission on April  
 5 30, 2002, as those standards were in effect on October 29, 2002.

6 (c) The inclusion of control logic and data processing methods  
 7 incorporating parity and check-sums (or equivalent error detection and  
 8 correction methods) must demonstrate that the system has been  
 9 designed for accuracy.

10 SECTION 167. IC 3-11-15-32 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 32. In considering the  
 12 compliance of a voting system with this chapter, the commission may  
 13 determine whether the system conforms with other preferred coding  
 14 practices and software characteristics set forth in ~~Appendix E of the~~  
 15 ~~Performance and Test Standards for Punchcard, Marksense, and Direct~~  
 16 ~~Recording Electronic Voting Systems: the Voting System Standards~~  
 17 **adopted by the Federal Election Commission on April 30, 2002.**

18 SECTION 168. IC 3-11-15-43 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 43. (a) The audit record  
 20 provisions in this chapter are essential to the complete recording of  
 21 election operations and reporting of the vote tally. This list of audit  
 22 records must reflect all of the idiosyncrasies of a system.

23 **(b) As required by 42 U.S.C. 15481, the voting system must:**

24 **(1) produce a permanent paper record with a manual audit**  
 25 **capacity for the system; and**

26 **(2) provide the voter with an opportunity to change the ballot**  
 27 **or correct any error before the permanent paper record is**  
 28 **produced.**

29 **(c) The paper record produced under subsection (b) must be**  
 30 **made available as an official record for a recount or contest**  
 31 **conducted with respect to any election in which the voting system**  
 32 **was used.**

33 SECTION 169. IC 3-11.5-4-12 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) If the absentee  
 35 ballot counters find under section 11 of this chapter that:

36 (1) the affidavit is properly executed;

37 (2) the signatures correspond;

38 (3) the absentee voter is a qualified voter of the precinct;

39 (4) the absentee voter is registered **and after December 31, 2003,**  
 40 **is not required to file additional information with the county**  
 41 **voter registration office under IC 3-7-33-4.5;**

42 (5) the absentee voter has not voted in person at the election; and

43 (6) in case of a primary election, if the absentee voter has not  
 44 previously voted, the absentee voter has executed the proper  
 45 declaration relative to age and qualifications and the political party  
 46 with which the absentee voter intends to affiliate;

47 the absentee ballot counters shall open the envelope containing the  
 48 absentee ballots so as not to deface or destroy the affidavit and take out  
 49 each ballot enclosed without unfolding or permitting a ballot to be  
 50 unfolded or examined.

51 **(b) This subsection applies after December 31, 2003. If the**

absentee ballot counters find under subsection (a) that the voter has not filed the additional information required to be filed with the county voter registration office under IC 3-7-33-4.5, but that all of the other findings listed under subsection (a) apply, the absentee ballot shall be processed as a provisional ballot under IC 3-11.7.

(c) The absentee ballot counters shall then deposit the ballots in a secure envelope with the name of the precinct set forth on the outside of the envelope. After the absentee ballot counters or the county election board has made the findings described in subsection (a) or section 13 of this chapter for all absentee ballots of the precinct, the absentee ballot counters shall remove all the ballots deposited in the envelope under this section for counting under IC 3-11.5-5 or IC 3-11.5-6.

SECTION 170. IC 3-11.7-1-5, AS ADDED BY P.L.126-2002, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) Provisional ballots for:

- (1) Electors for President and Vice President of the United States;
  - (2) United States Senator;
  - (3) United States Representative;
  - (4) all state offices; and
  - (5) the ratification or rejection of a public question to be voted for by the electorate of the entire state or for the retention of a judge of the Indiana supreme court or the Indiana court of appeals;
- shall be prepared and printed under the direction of the election division.

(b) The election division shall have the ballots printed upon certification of the political party tickets, ~~and~~ independent candidates, **and public questions.**

(c) Ballots prepared under this section must provide space for the provisional voter to cast a write-in ballot **for each office.**

(d) The provisional ballots that are prepared and printed under this section shall be delivered to the circuit court clerk or the clerk's authorized deputy not later than forty-five (45) days before a general election or twenty-nine (29) days before a special election. The provisional ballots shall be delivered in the same manner that other official ballots are delivered.

SECTION 171. IC 3-11.7-2-1, AS ADDED BY P.L.126-2002, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) **As provided by 42 U.S.C. 15482, this section applies to the following individuals:**

- (1) An individual:
    - ~~(1)~~ (A) whose name does not appear on the registration list; and
    - ~~(2)~~ (B) who is not permitted to vote under IC 3-7-48-1, IC 3-7-48-5, IC 3-7-48-7, IC 3-10-10, IC 3-10-11-2, or IC 3-10-12.
  - (2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or IC 3-11-8-27.5 who is challenged as not eligible to vote.
  - (3) An individual who seeks to vote in an election as a result of a court order (or any other order) extending the time established for closing the polls under IC 3-11-8-8.
- (b) This subsection applies after December 31, 2003. As required

by 42 U.S.C. 15483, a voter who has registered to vote but has not:  
 (1) presented identification required under 42 U.S.C. 15483 to the poll clerk before voting in person under IC 3-11-8-25; or  
 (2) filed a copy of the identification required under 42 U.S.C. 15483 to the county voter registration office before the voter's absentee ballot is cast;  
 is entitled to vote a provisional ballot under this article.

(c) A precinct election officer shall inform an individual described by subsection (a)(1) or (a)(2) that the individual may cast a provisional ballot if the individual:

- (1) is eligible to vote under IC 3-7-13-1;
- (2) submitted a voter registration application during the registration period described by IC 3-7-13-10 (or IC 3-7-36-11, if the voter registered under that section); and
- (3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.

(d) A precinct election officer shall inform an individual described by subsection (a)(3) that the individual may cast a provisional ballot.

SECTION 172. IC 3-11.7-2-2, AS ADDED BY P.L.126-2002, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) A provisional voter shall do the following:

- (1) Mark the ballot in the presence of no other person, unless the voter requests help in marking a ballot under IC 3-11-9.
- (2) Fold each ballot separately.
- (3) Fold each ballot so as to conceal the marking.
- (4) Enclose each ballot, with the seal and signature of the circuit court clerk on the outside, together with any unused ballot, in the envelope provided by the county election board under IC 3-11.7-1-8.
- (5) Securely seal the envelope.

(b) A provisional voter may mark a ballot with a pen or a lead pencil.

(c) This subsection applies to a provisional voter described in section 1(a)(1), 1(a)(2), or 1(a)(3) of this chapter. As provided by 42 U.S.C. 15482, a precinct election officer shall give the provisional voter a copy of the written instructions prescribed by the county election board under IC 3-11.7-6-3 after the voter returns the envelope containing the provisional voter's ballots.

SECTION 173. IC 3-11.7-2-3, AS ADDED BY P.L.126-2002, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) The precinct election board shall affix to the envelope the challenger's affidavit and the affidavit executed by the provisional voter under section 1 of this chapter.

(b) Except as provided in subsection (c) and in accordance with 42 U.S.C. 15482, the precinct election board shall securely keep the sealed envelope, along with the affidavits affixed to the envelope, in another envelope or container marked "Provisional Ballots".

(c) This subsection applies to the sealed envelope and the affidavits affixed to the envelope of a provisional voter described in section 1(a)(3) of this chapter. As required by 42 U.S.C. 15482, the precinct election board shall keep the sealed envelope or container separate from the envelope or container described in

1 **subsection (b). The envelope or container described in this**  
 2 **subsection must be labeled "Provisional Ballots Issued After**  
 3 **Regular Poll Closing Hours".**

4 SECTION 174. IC 3-11.7-2-4, AS ADDED BY P.L.126-2002,  
 5 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2003]: Sec. 4. **As required by 42 U.S.C. 15482**, at the close  
 7 of the polls, the precinct election board shall **do the following**:

8 **(1) Seal:**

9 ~~(1)~~ **(A)** all the provisional ballots; and

10 ~~(2)~~ **(B)** any spoiled provisional ballots;

11 **of provisional voters other than provisional voters described in**  
 12 **section 1(a)(3) of this chapter** in the container described in  
 13 section 3(b) of this chapter and mark on the container the number  
 14 of provisional ballots contained.

15 **(2) Seal:**

16 **(A) all the provisional ballots; and**

17 **(B) any spoiled provisional ballots;**

18 **of provisional voters described in section 1(a)(3) of this chapter**  
 19 **in the container described in section 1(a)(3) of this chapter and**  
 20 **mark on the container the number of provisional ballots**  
 21 **contained.**

22 The inspector shall return the container with all the provisional ballots  
 23 to the circuit court clerk after the close of the polls.

24 SECTION 175. IC 3-11.7-3-5, AS ADDED BY P.L.126-2002,  
 25 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2003]: Sec. 5. If a county chairman fails to make any  
 27 recommendations **not later than the deadline specified under section**  
 28 **4 of this chapter**, the county election board may appoint any voters of  
 29 the county.

30 SECTION 176. IC 3-11.7-5-2, AS ADDED BY P.L.126-2002,  
 31 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2003]: Sec. 2. (a) Except as provided in section 5 of this  
 33 chapter, if the county election board determines that all the following  
 34 apply, a provisional ballot is valid and shall be counted under this  
 35 chapter:

36 (1) The affidavit executed by the provisional voter under  
 37 IC 3-11.7-2-1 is properly executed.

38 (2) The provisional voter is a qualified voter of the precinct.

39 (3) Based on all the information available to the county election  
 40 board, including:

41 (A) information provided by the provisional voter;

42 (B) information contained in the county's voter registration  
 43 records; and

44 (C) information contained in the statewide voter registration file;  
 45 the provisional voter registered to vote at a registration agency  
 46 under this article on a date within the registration period.

47 (b) If the provisional voter has provided information regarding the  
 48 registration agency where the provisional voter registered to vote, the  
 49 board ~~may not determine that the provisional voter did not register~~  
 50 ~~unless both of the following apply:~~

51 ~~(1) The board makes an actual inquiry of the registration agency~~

where the provisional voter states the provisional voter registered:  
 (2) The registration agency informs the board that the registration agency has no record of the provisional voter's registration:  
 shall promptly make an inquiry to the agency regarding the alleged registration. The agency shall respond to the board not later than noon of the first Friday after the election, indicating whether the agency's records contain any information regarding the registration. If the agency does not respond to the board's inquiry, or if the agency responds that the agency has no record of the alleged registration, the board shall reject the provisional ballot. The board shall endorse the ballot with the word "Rejected" and document on the ballot the inquiry and response, if any, by the agency.

(c) This subsection applies after December 31, 2003. Except as provided in section 5 of this chapter, a provisional ballot cast by a voter described in IC 3-11.7-2-1(b) is valid and shall be counted if the county election board determines under this article that the voter filed the documentation required under IC 3-7-33-4.5 and 42 U.S.C. 15483 with the county voter registration office not later than the closing of the polls on election day.

SECTION 177. IC 3-11.7-5-3, AS ADDED BY P.L.126-2002, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) If the board determines that ~~section 2(a)(1); 2(a)(2); or 2(a)(3) of this chapter does not apply; all the following apply: the affidavit executed by the provisional voter has not been properly executed, that the provisional voter is not a qualified voter of the precinct, or that the provisional voter did not register to vote at a registration agency under this article on a date within the registration period, the board shall make the following findings:~~

- (1) The provisional ballot is invalid.
- (2) The provisional ballot may not be counted.
- (3) The provisional ballot envelope containing the ballots cast by the provisional voter may not be opened.

(b) If the county election board determines that a provisional ballot is invalid, a notation shall be made on the provisional ballot envelope: "Provisional ballot determined invalid."

SECTION 178. IC 3-11.7-5-8, AS ADDED BY P.L.126-2002, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) During the counting of the ballots, one (1) counter shall read the name of the candidates **and ballot questions** voted for from the ballots.

(b) A:

- (1) member of the county election board who is not a member of the same political party as the counter; or
  - (2) representative designated by the member;
- shall view the ballots as the names **and ballot questions** are read.

SECTION 179. IC 3-11.7-6-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) As required by 42 U.S.C. 15482, a county election board shall establish a free access system such as a toll-free



1 telephone number or an Internet web site that enables a  
2 provisional voter to determine:

3 (1) whether the individual's provisional ballot was counted;  
4 and

5 (2) if the provisional ballot was not counted, the reason the  
6 provisional ballot was not counted.

7 (b) As required by 42 U.S.C. 15482, the county election board  
8 shall establish and maintain reasonable procedures to protect the  
9 security, confidentiality, and integrity of personal information  
10 collected, stored, or otherwise used on the free access system  
11 established by the board under subsection (a).

12 (c) As required by 42 U.S.C. 15482, the county election board  
13 shall restrict access to the information available under subsection  
14 (a) about a provisional voter's ballot to the individual who cast the  
15 ballot.

16 (d) The county election board shall prescribe written instructions  
17 to inform a provisional voter how the provisional voter can  
18 determine whether the provisional voter's ballot has been counted.

19 SECTION 180. IC 3-12-1-1.2 IS ADDED TO THE INDIANA CODE  
20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
21 1, 2003]: Sec. 1.2. (a) This chapter is enacted to comply with 42  
22 U.S.C. 15481 by establishing uniform and nondiscriminatory  
23 standards to define what will be counted as a vote on a paper  
24 ballot, optical scan voting system, or electronic voting system.

25 (b) The standards in this chapter apply to counting votes on  
26 every voting system, except where specific standards applicable  
27 only:

28 (1) to a type of voting system are provided under IC 3-12-2,  
29 IC 3-12-3, or IC 3-12-3.5; and

30 (2) in a recount or contest proceeding are provided under  
31 IC 3-12-6, IC 3-12-8, IC 3-12-11, or IC 3-12-12.

32 SECTION 181. IC 3-12-2-1 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) This chapter:

34 (1) is enacted to comply with 42 U.S.C. 15481 by establishing  
35 uniform and nondiscriminatory standards to define what will  
36 be counted as a vote on a paper ballot; and

37 (2) applies to each precinct where voting is by paper ballot.

38 (b) After the polls have closed, each precinct election board shall  
39 count the paper ballot votes for each candidate for each office and on  
40 each public question. The board shall begin by counting the state paper  
41 ballots and shall complete the count of the state paper ballots before  
42 counting the local paper ballots. The ballots shall be counted by laying  
43 each ballot upon a table in the order in which it is taken from the ballot  
44 box.

45 (c) Notwithstanding subsection (b), the precinct election board may  
46 count absentee ballots before the polls have closed. If the precinct  
47 election board counts absentee ballots under this subsection, a member  
48 of the precinct election board may not, before the polls have closed,  
49 provide any person other than a member of the precinct election board  
50 with information concerning the number of votes:

51 (1) a candidate received for an office; or

(2) cast to approve or reject a public question;  
on absentee ballots counted under this subsection.

SECTION 182. IC 3-12-2.5-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 10. This chapter expires January 1, 2006.**

SECTION 183. IC 3-12-3-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 1.1. This chapter is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on an optical scan voting system.**

SECTION 184. IC 3-12-3.5-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 1.1. This chapter is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on an electronic voting system.**

SECTION 185. IC 3-12-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) Each county election board may employ clerical assistants if necessary for the proper canvassing and tabulating of the vote. However, **no except as provided in subsection (d), not** more than one-half (1/2) of the assistants employed by the board may be members of the same political party.

(b) The county election board shall appoint the number of two (2) member write-in teams that are necessary to examine and count write-in votes cast on ballot card voting systems on election night. The county chairmen of the two (2) major political parties of a county shall each designate one (1) member of each write-in team. The write-in teams are considered employees of the county canvassing board and must meet the qualifications of canvassing board employees.

(c) **Except as provided in subsection (d),** a county election board may not employ a person to assist with canvassing unless the person would be eligible to serve as a precinct election officer under IC 3-6-6-7.

(d) **The county election board may, by unanimous vote of the entire membership of the board, employ a student to assist the board under this section if the student is:**

**(1) enrolled at an institution of higher education (including a community college); and**

**(2) a registered voter of the county.**

**A student appointed under this subsection must serve the board in a nonpartisan manner.**

SECTION 186. IC 3-12-4-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 5.5. This chapter is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on a paper ballot, an optical scan voting system, or an electronic voting system by a county election board.**

1 SECTION 187. IC 3-12-5-1.5 IS ADDED TO THE INDIANA CODE  
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 3 1, 2003]: **Sec. 1.5. (a) This section applies to a statement required**  
 4 **to be sent or delivered to the election division by a circuit court**  
 5 **clerk under this chapter.**

6 **(b) A statement described in subsection (a) may be sent by using**  
 7 **the computerized list established under IC 3-7-26.3. A statement**  
 8 **sent under this section complies with any requirement for the**  
 9 **statement to be certified or sealed.**

10 SECTION 188. IC 3-12-6-1.2 IS ADDED TO THE INDIANA CODE  
 11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 12 1, 2003]: **Sec. 1.2. This chapter is enacted to comply with 42 U.S.C.**  
 13 **15481 by establishing uniform and nondiscriminatory standards to**  
 14 **define what will be counted as a vote on a paper ballot, an optical**  
 15 **scan voting system, or an electronic voting system in a recount**  
 16 **conducted under this chapter.**

17 SECTION 189. IC 3-12-8-2.5 IS ADDED TO THE INDIANA CODE  
 18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 19 1, 2003]: **Sec. 2.5. (a) This section does not apply to a contest**  
 20 **concerning whether a contestee was ineligible as alleged under**  
 21 **section 2(1) of this chapter.**

22 **(b) This chapter is enacted to comply with 42 U.S.C. 15481 by**  
 23 **establishing uniform and nondiscriminatory standards to define**  
 24 **what will be counted as a vote on a paper ballot, an optical scan**  
 25 **voting system, or an electronic voting system in a contest**  
 26 **conducted under this chapter.**

27 SECTION 190. IC 3-12-11-1.5 IS ADDED TO THE INDIANA  
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2003]: **Sec. 1.5. This chapter is enacted to**  
 30 **comply with 42 U.S.C. 15481 by establishing uniform and**  
 31 **nondiscriminatory standards to define what will be counted as a**  
 32 **vote on a paper ballot, an optical scan voting system, or an**  
 33 **electronic voting system in a recount conducted under this chapter.**

34 SECTION 191. IC 3-12-12-1.5 IS ADDED TO THE INDIANA  
 35 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2003]: **Sec. 1.5. This chapter is enacted to**  
 37 **comply with 42 U.S.C. 15481 by establishing uniform and**  
 38 **nondiscriminatory standards to define what will be counted as a**  
 39 **vote on a paper ballot, an optical scan voting system, or an**  
 40 **electronic voting system in a recount conducted under this chapter.**

41 SECTION 192. IC 3-14-2-6 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 6. A person who**  
 43 **knowingly, intentionally, or recklessly releases or removes any**  
 44 **registration materials or, after December 31, 2005, information**  
 45 **contained in the computerized list maintained under IC 3-7-26.3**  
 46 **from the county voter registration office, of the circuit court clerk or**  
 47 **board of registration, except when release or removal is necessary:**

- 48 (1) to comply with IC 3-7; or  
 49 (2) for the destruction of the materials under IC 5-15-6;  
 50 commits a Class A misdemeanor.

51 SECTION 193. IC 3-14-4-3.5 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3.5. **(a) This**  
 2 **subsection applies before January 1, 2006.** A circuit court clerk,  
 3 member of a board of registration, or county official, responsible for  
 4 maintaining computerized voter registration information who recklessly  
 5 fails to comply with IC 3-7-26 more than thirty (30) days after being  
 6 required to perform a duty under IC 3-7-26 commits a Class B  
 7 misdemeanor.

8 **(b) This subsection applies after December 31, 2005. A circuit**  
 9 **court clerk, a member of a board of registration, a county official,**  
 10 **or another person responsible for maintaining computerized voter**  
 11 **registration information who recklessly fails to comply with**  
 12 **IC 3-7-26.3 more than thirty (30) days after being required to**  
 13 **perform a duty under IC 3-7-26.3 commits a Class B misdemeanor.**

14 SECTION 194. IC 3-14-6-1 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) An officer or  
 16 employee of the commission or a county voter registration officer or  
 17 employee who grants a request for voter registration information under  
 18 IC 3-7-26 or IC 3-7-27 with knowledge that the information will be  
 19 used in a manner prohibited by IC 3-7-26 or IC 3-7-27 commits a Class  
 20 B infraction.

21 (b) An officer or employee of the commission who has previously  
 22 received a judgment for committing an infraction under this section,  
 23 and violates this section a second time shall be dismissed from the  
 24 officer's or employee's position.

25 **(c) This section expires January 1, 2006.**

26 SECTION 195. IC 3-14-6-1.1 IS ADDED TO THE INDIANA CODE  
 27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 28 1, 2003]: Sec. 1.1. **(a) This section applies after December 31, 2005.**

29 **(b) A person who grants a request for voter registration**  
 30 **information under IC 3-7-26.3 or IC 3-7-27 with knowledge that**  
 31 **the information will be used in a manner prohibited by IC 3-7-26.3**  
 32 **or IC 3-7-27 commits a Class B infraction.**

33 **(c) A person who has previously received a judgment for**  
 34 **committing an infraction under this section and knowingly,**  
 35 **intentionally, or recklessly violates this section a second time**  
 36 **commits a Class D felony.**

37 SECTION 196. IC 3-14-6-2 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) This section does  
 39 not apply to:

40 (1) political activities; or

41 (2) political fundraising activities.

42 (b) A person who uses voter registration information obtained under  
 43 IC 3-7-26, **IC 3-7-26.3 (after December 31, 2005),** or IC 3-7-27 to  
 44 solicit **the sale of** merchandise, goods, services, or subscriptions  
 45 commits a Class B infraction.

46 (c) The court shall:

47 (1) keep a record; and

48 (2) send a copy of the record to the prosecuting attorney of the  
 49 county in which the infraction proceeding was tried;  
 50 of a judgment for an infraction proceeding tried under this section.

51 (d) A person who:

1 (1) has previously received a judgment for committing an  
 2 infraction under this section; and  
 3 (2) knowingly or intentionally uses voter registration information  
 4 in violation of this section;  
 5 commits a Class A misdemeanor.

6 SECTION 197. IC 5-26.5-2-5, AS ADDED BY P.L.273-2001,  
 7 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2003]: Sec. 5. A program participant who is otherwise  
 9 qualified to vote may apply to vote ~~in the same manner as an absent~~  
 10 ~~uniformed services voter under~~ **provided in** IC 3-11-4-6.

11 SECTION 198. IC 9-24-2.5-12 IS ADDED TO THE INDIANA  
 12 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 13 [EFFECTIVE UPON PASSAGE]: **Sec. 12. As required under 42**  
 14 **U.S.C. 15483, the secretary of state (with the consent of the**  
 15 **co-directors of the election division) and the commission shall enter**  
 16 **into an agreement to match information in the computerized list**  
 17 **established under IC 3-7-26.3 with information in the data base of**  
 18 **the commission to enable the election division and the commission**  
 19 **to verify the accuracy of the information provided on voter**  
 20 **registration applications.**

21 SECTION 199. IC 9-24-2.5-13 IS ADDED TO THE INDIANA  
 22 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 23 [EFFECTIVE UPON PASSAGE]: **Sec. 13. (a) As required under 42**  
 24 **U.S.C. 15483, the commission shall enter into an agreement with**  
 25 **the Commissioner of Social Security under 42 U.S.C. 405(r)(8)(A)**  
 26 **to verify information set forth on voter registration applications.**

27 **(b) The information subject to verification under this section is**  
 28 **the following:**

29 **(1) Whether the name (including the first name and any family**  
 30 **forename or surname), date of birth (including month, day,**  
 31 **and year), and Social Security number of an individual**  
 32 **provided to the Commissioner of Social Security match the**  
 33 **information contained in the Commissioner's records.**

34 **(2) Whether the individual is shown in the records of the**  
 35 **Commissioner of Social Security as deceased.**

36 **(c) The agreement under subsection (b) must comply with 42**  
 37 **U.S.C. 15481 and IC 3-7-26.3.**

38 SECTION 200. IC 11-8-2-5 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) The  
 40 commissioner shall **do the following:**

41 (1) Organize the department, subject to approval by the board, and  
 42 employ personnel necessary to discharge the duties and powers of  
 43 the department.

44 (2) Administer and supervise the department, including all state  
 45 owned or operated correctional facilities.

46 (3) Except for employees of the parole board, be the appointing  
 47 authority for all positions in the department within the scope of  
 48 IC 4-15-2 and define the duties of those positions in accord with  
 49 IC 4-15-2.

50 (4) Define the duties of a deputy commissioner and a  
 51 superintendent.

(5) Accept committed persons for study, evaluation, classification, custody, care, training, and reintegration.

(6) Determine the capacity of all state owned or operated correctional facilities and programs and keep all Indiana courts having criminal or juvenile jurisdiction informed, on a quarterly basis, of the populations of those facilities and programs.

(7) Utilize state owned or operated correctional facilities and programs to accomplish the purposes of the department and acquire or establish, according to law, additional facilities and programs whenever necessary to accomplish those purposes.

(8) Develop policies, programs, and services for committed persons, for administration of facilities, and for conduct of employees of the department.

(9) Administer, according to law, the money or other property of the department and the money or other property retained by the department for committed persons.

(10) Keep an accurate and complete record of all department proceedings, which includes the responsibility for the custody and preservation of all papers and documents of the department.

(11) Make an annual report to the governor according to subsection (c).

(12) Develop, collect, and maintain information concerning offenders, sentencing practices, and correctional treatment as he considers useful in penological research or in developing programs.

(13) Cooperate with and encourage public and private agencies and other persons in the development and improvement of correctional facilities, programs, and services. ~~and~~

(14) Explain correctional programs and services to the public.

**(15) As required under 42 U.S.C. 15483, after January 1, 2006, provide information to the election division to coordinate the computerized list of voters maintained under IC 3-7-26.3 with department records concerning individuals disfranchised under IC 3-7-46.**

(b) The commissioner may:

(1) when authorized by law, adopt departmental rules under IC 4-22-2, subject to approval by the board;

(2) delegate powers and duties conferred on him by law to a deputy commissioner or commissioners and other employees of the department;

(3) issue warrants for the return of escaped committed persons (an employee of the department or any person authorized to execute warrants may execute a warrant issued for the return of an escaped person); and

(4) exercise any other power reasonably necessary in discharging his duties and powers.

(c) The annual report of the department shall be transmitted to the governor by September 1 of each year and must contain:

(1) a description of the operation of the department for the fiscal year ending June 30;

(2) a description of the facilities and programs of the department;

- (3) an evaluation of the adequacy and effectiveness of those facilities and programs considering the number and needs of committed persons or other persons receiving services; and
- (4) any other information required by law.

Recommendations for alteration, expansion, or discontinuance of facilities or programs, for funding, or for statutory changes may be included in the annual report.

SECTION 201. IC 12-28-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. Notwithstanding IC 4-6-2, the commission has the following powers, duties, and functions:

- (1) Establish and maintain all necessary offices.
- (2) Subject to IC 4-15-2:
  - (A) appoint;
  - (B) fix the compensation for; and
  - (C) prescribe the duties of;
 the attorneys, other employees, and agents the commission considers necessary.
- (3) Provide legal and other advocacy services throughout Indiana to individuals or organizations on matters related to the protection of the legal and human rights of developmentally disabled individuals, mentally ill individuals, and individuals who are seeking or receiving vocational rehabilitation services.
- (4) Enter into contractual relationships and sue and be sued in the name of the services.
- (5) Apply for, solicit, and accept contributions or grants of money, property, or services made by gift, devise, bequest, grant, or other means from any source that the commission considers best to assist the services in performing its purpose.
- (6) Provide information and referral services.
- (7) Adopt rules under IC 4-22-2 to do the following:
  - (A) Establish and operate local protection and advocacy service units.
  - (B) Operate the service.
  - (C) Perform the commission's duties.
- (8) Ensure full participation in the electoral process in individuals with disabilities, including registering to vote, casting a vote, and accessing polling places, in accordance with 42 U.S.C. 15461 through 15462.**

SECTION 202. IC 16-19-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 19. (a) The state department shall study the vital statistics and endeavor to make intelligent and profitable use of the collected records of death and sickness among the people.

(b) **As required under 42 U.S.C. 15483, after January 1, 2006, the department shall provide information to the election division to coordinate the computerized list of voters maintained under IC 3-7-26.3 with the department records concerning individuals identified as deceased under IC 3-7-45.**

SECTION 203. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 3-7-26-20; IC 3-11-6.5-3; IC 3-11-6.5-6;

1 IC 3-11-6.5-7.

2 SECTION 204. [EFFECTIVE UPON PASSAGE] (a) The  
3 definitions in IC 3-5-2 apply throughout this SECTION.

4 (b) Not later than December 31, 2003, each county voter  
5 registration office shall identify each registered voter in the county  
6 who:

7 (1) registered by mail under IC 3-7-22 by submitting an  
8 application after December 31, 2002; and

9 (2) would be required to provide personal identification under  
10 42 U.S.C. 15483 before voting either in person or by mail at an  
11 election conducted after December 31, 2003.

12 (c) Not later than March 1, 2004, the county voter registration  
13 office shall mail a notice to each voter identified in subsection (b).

14 The notice must:

15 (1) inform the voter regarding the additional personal  
16 identification required by federal law before the voter casts a  
17 ballot in person or by mail; and

18 (2) encourage the voter to submit photocopies of the required  
19 documentation to the county voter registration office before  
20 election day.

21 (d) Not later than July 1, 2003, the election division shall provide  
22 each county voter registration office with a sample notice for  
23 purposes of mailings required under this SECTION.

24 (e) A county:

25 (1) may mail a notice to a voter under this SECTION at any  
26 time after receiving the sample notice under subsection (d);  
27 and

28 (2) is not required to mail the notice to all voters described in  
29 subsection (b) as part of the same mailing.

30 (f) This SECTION expires December 31, 2004.

31 SECTION 205. [EFFECTIVE UPON PASSAGE] (a) The  
32 definitions in IC 3-5-2 apply throughout this SECTION.

33 (b) Not later than July 1, 2003, the commission shall act under  
34 IC 3-11-4-5.1 to approve absentee ballot application forms that  
35 include a notice that certain voters who registered by mail are  
36 required to provide additional personal identification before voting  
37 an absentee ballot by mail.

38 (c) Notwithstanding IC 3-5-4-8, an absentee ballot application  
39 form approved by the commission before December 31, 2003, that  
40 does not comply with subsection (b) may not be accepted for filing  
41 with a county election board after December 31, 2003.

42 (d) This SECTION expires December 31, 2004.

43 SECTION 206. [EFFECTIVE UPON PASSAGE] (a) The election  
44 division of the office of the secretary of state shall study the  
45 congressional recommendation set forth in Section 701 of the Help  
46 America Vote Act of 2002 that the single office in Indiana  
47 designated under IC 3-11-4-5.5 to provide absentee balloting and  
48 voter registration information to military and overseas voters also  
49 be authorized to accept valid voter registration applications,  
50 absentee ballot applications, and absentee ballots from all military  
51 and overseas voters who wish to register to vote or vote in Indiana.



(b) The election division shall consult with circuit court clerks and county voter registration officers in conducting this study and shall publish a report containing the results of this study not later than June 1, 2004.

(c) The election division shall submit the report to the census data advisory committee along with suggestions for additional legislation necessary to implement any recommendations contained in the report.

(d) The election division shall consider incorporating the features described in subsection (a) into the statewide voter registration system established under IC 3-7-26.

(e) This SECTION expires January 2, 2005.

SECTION 207. [EFFECTIVE UPON PASSAGE] (a) Before January 1, 2004, the Indiana election commission shall act under IC 3-11-4-5.1 to make any revision required to the absentee ballot application form prescribed by the commission under that section to conform the application to the standard oath prescribed for absent uniformed services voters and overseas voters under 42 U.S.C. 1973ff-1(b).

(b) An absentee ballot application form approved by the commission before January 1, 2004, that does not comply with any requirement under 42 U.S.C. 1973ff-1(b) may not be used for any election conducted after December 31, 2003.

(c) This SECTION expires January 1, 2005.

SECTION 208. [EFFECTIVE UPON PASSAGE] (a) Before January 1, 2004, the Indiana election commission shall act under IC 3-5-4-8 to make any revision required to the affidavit printed on the absentee ballot mailing envelope described by IC 3-11-4-21 to conform the application to the standard oath prescribed for absent uniformed services voters and overseas voters under 42 U.S.C. 1973ff-1(b).

(b) An absentee ballot mailing envelope approved by the commission before January 1, 2004, that does not comply with any requirement under 42 U.S.C. 1973ff-1(b) or IC 3-11-4-21 may not be used for any election conducted after December 31, 2003.

(c) This SECTION expires January 1, 2005.

SECTION 209. [EFFECTIVE UPON PASSAGE] (a) The definitions set forth in IC 3-5-2 apply to this SECTION.

(b) Notwithstanding IC 3-5-4-8, a registration by mail form approved by the commission under IC 3-7-22 before January 1, 2003, may not be filed by an applicant or processed by a county voter registration office after December 31, 2003.

(c) The election division shall:

(1) notify the offices and entities designated as mail-in registration form distribution sites under IC 3-7 or a county NVRA plan that the registration forms previously furnished to those offices and entities will be obsolete after December 31, 2003; and

(2) provide each office or entity with mail-in registration forms that comply with IC 3-7-22, as amended by this act, not later than December 31, 2003.

(d) The election division shall provide mail-in registration forms under subsection (c) in the quantity that the election division determines should be sufficient for the office or entity to supply voter registration applications to voters until December 31, 2004. In complying with this subsection, the election division shall attempt to reduce costs by publicizing the availability of a downloadable voter registration application on the election division's web site.

(e) This SECTION expires January 1, 2005.

SECTION 210. [EFFECTIVE UPON PASSAGE] (a) The secretary of state with the consent of the co-directors of the election division shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, and interactive statewide voter registration list in accordance with the requirements set forth in 42 U.S.C. 15483 and IC 3-7-26.3, as added by this act.

(b) Not later than January 1, 2004, the secretary of state with the consent of the co-directors of the election division may certify to the federal Election Assistance Commission under Section 303(d)(1)(B) of the Help America Vote Act of 2002 that the state will not meet the deadline of January 1, 2004, to establish a statewide voter registration system that complies with 42 U.S.C. 15483.

(c) As required by Section 303(d)(1)(B) of the Help America Vote Act of 2002, the certification must state:

- (1) that the inability of the state to meet this deadline is for good cause; and
- (2) the reasons for the inability to meet the deadline.

(d) This SECTION expires January 1, 2006.

SECTION 211. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies to a voter who has not been assigned a voter identification number under IC 3-7-13-13.

(b) Not later than January 1, 2006, the election division shall assign a voter identification number to the voter's registration record in the computerized list maintained under IC 3-7-26.3. The number must be assigned in accordance with IC 3-7-13-13.

(c) This SECTION expires January 1, 2006.

SECTION 212. [EFFECTIVE APRIL 1, 2003 (RETROACTIVE)] (a) The definitions set forth in IC 3-5-2 apply throughout this SECTION.

(b) Not later than April 7, 2003, the governor, in consultation and coordination with the secretary of state and the co-directors of the election division, shall notify the federal Administrator of General Services that the state of Indiana intends to use payments under Section 101 of HAVA (42 U.S.C. 15301) in accordance with Section 101 of HAVA.

(c) This section expires December 31, 2003.

SECTION 213. [EFFECTIVE APRIL 1, 2003 (RETROACTIVE)] (a) The definitions set forth in IC 3-5-2 apply throughout this SECTION.

(b) Not later than April 7, 2003, the governor, in consultation and coordination with the secretary of state and the co-directors of the

election division, shall give the notice to the federal Administrator of General Services under Section 102(b) of HAVA (42 U.S.C. 15302) in accordance with Section 102 of HAVA.

(c) This section expires December 31, 2003.

SECTION 214. [EFFECTIVE UPON PASSAGE] (a) The definitions set forth in IC 3-5-2 apply to this SECTION.

(b) Subject to subsection (d), a voting machine system may not be used in an election in Indiana after December 31, 2003.

(c) Subject to subsection (e), a punch card voting system may not be used in an election in Indiana after December 31, 2003.

(d) Notwithstanding subsection (b), a voting machine system may be used in an election in Indiana after December 31, 2003, and before January 1, 2006, if not later than December 31, 2003, the secretary of state with the consent of the co-directors of the election division certifies to the federal Administrator of General Services under Section 102(a)(3)(B) of HAVA (42 U.S.C. 15302) that the state cannot replace all voting machine systems in Indiana before January 1, 2004.

(e) Notwithstanding subsection (c), a punch card voting system may be used in an election in Indiana after December 31, 2003, and before January 1, 2006, if not later than December 31, 2003, the secretary of state with the consent of the co-directors of the election division certifies to the federal Administrator of General Services under Section 102(a)(3)(B) of HAVA (42 U.S.C. 15302) that the state cannot replace all punch card voting systems in Indiana before January 1, 2004.

(f) This SECTION expires January 1, 2006.

SECTION 215. [EFFECTIVE UPON PASSAGE] (a) The definitions set forth in IC 3-5-2 apply throughout this SECTION.

(b) The census data advisory committee shall prepare legislation for introduction in the 2004 session of the Indiana general assembly to make appropriate amendments to Indiana statutes by removing references to voting machine systems and punch card voting systems.

(c) This SECTION expires January 1, 2006.

SECTION 216. [EFFECTIVE UPON PASSAGE] (a) The definitions set forth in IC 3-5-2 apply throughout this SECTION.

(b) Not later than June 30, 2003, the secretary of state with the consent of the co-directors of the election division shall file a statement with the federal Election Assistance Commission.

(c) The statement under subsection (b) must certify that the state is in compliance with the requirements referred to in Section 253(b) of HAVA (42 U.S.C. 15403) and be in the form authorized by Section 253 of HAVA.

(d) This SECTION expires December 31, 2003.

SECTION 217. [EFFECTIVE JULY 1, 2003] (a) Each county election board shall determine, not later than December 31, 2003, whether the board will adopt an order authorizing the appointment of a precinct election officer under IC 3-6-6-39, as amended by this act.

(b) An order adopted under this SECTION remains in effect

- 1     **until repealed by the unanimous vote of the entire membership of**
- 2     **the county election board.**
- 3     **(c) This SECTION expires January 1, 2004.**
- 4     **SECTION 218. An emergency is declared for this act.**  
      (Reference is to ESB 268 as printed April 8, 2003.)

**Conference Committee Report**  
**on**  
**Engrossed Senate Bill 268**

**S**igned by:

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Senator Skillman  
Chairperson

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Representative Mahern

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Senator Breaux

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Representative Richardson

**Senate Conferees**

**House Conferees**